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Friday
June 27, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, Seattle, WA, and San Francisco, CA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: July 11; at 9 am.

WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.

RESERVATIONS: Abram Primus 202-523-3419
Ina Masters 202-523-3419

SEATTLE, WA

WHEN: July 22; at 1:30 pm.

WHERE: North Auditorium,
Fourth Floor, Federal Building,
915 2nd Avenue, Seattle, WA.

RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Seattle	206-442-0570
Tacoma	206-383-5230
Portland	503-221-2222

SAN FRANCISCO, CA

WHEN: July 24; at 1:30 pm.

WHERE: Room 2007, Federal Building,
450 Golden Gate Avenue,
San Francisco, CA.

RESERVATIONS: Call the San Francisco Federal Information Center, 415-556-6600

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Presidential Documents

Title 3—

The President

Proclamation 5506 of June 25, 1986

National Homelessness Awareness Week, 1986

By the President of the United States of America

A Proclamation

Since our days as a young nation, the American people have always banded together to meet the needs of our citizens and our communities. Awareness, generosity, and the determination to find solutions to community problems are traits that have long kept our country strong. We have always been a people who give of ourselves to help those less fortunate in a way that no government or institution by itself can.

Prevention of homelessness is a complex challenge that faces us today. Although estimates of the exact number of homeless vary widely, innovative approaches to this problem by all elements of our society are needed. And in few other areas has each segment of our society been so involved, with so much dedication and sacrifice. Federal, State, and local governments, national service organizations, corporations, churches, synagogues, and voluntary groups, over the years, have worked together to provide food, shelter, and comfort for the needy.

Now, I call upon all Americans to come together in partnership and resolve to invigorate their commitment to reach out to their fellow Americans in need. Let us all experience the blessings of compassion and goodwill that come from the joy of helping others.

To increase public awareness of the problem of homelessness, the Congress, by Senate Joint Resolution 347, has designated the week beginning June 22, 1986, as "National Homelessness Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning June 22, 1986, as National Homelessness Awareness Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of June, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-14732
Filed 6-26-86; 10:09 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 369]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 369 establishes the quantity of California-Arizona Valencia oranges that may be shipped to market during the period June 27–July 3, 1986. The regulation is needed to balance the supply of fresh Valencia oranges with market demand for the period specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: Regulation 369 (§ 908.669) is effective for the period June 27–July 3, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202/447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Departmental Regulation 1512–1 and Executive Order 12291 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities on their own behalf. Thus, both statutes have small entity orientation and compatibility.

The regulation is issued under Marketing Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Valencia Orange Administration Committee (VOAC) and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The regulation is consistent with the marketing policy for 1985–86. The committee met publicly on June 24, 1986, to consider the current and prospective conditions of supply and demand and recommended the quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports that the market for Valencia oranges is light.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because there is insufficient time between the date when information upon which the regulation is based became available and the effective date necessary to effectuate the declared policy of the act. Interested persons were given opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared policy of the act, it is necessary to make the regulatory provisions effective as specified, and handlers have been notified of the regulation and the effective date.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges, Valencias.

PART 908—[AMENDED]

1. The authority citation for 7 CFR Part 908 continues to read:

Authority: (Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674).

2. Section 908.669 is added to read as follows:

§ 908.669 Valencia Orange Regulation 369.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 27, 1986, through July 3, 1986, are established as follows:

(a) District 1: 312,000 cartons;

(b) District 2: 338,000 cartons;

(c) District 3: Unlimited cartons.

Dated: June 25, 1986.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86–14685 Filed 6–25–86; 3:45 am]

BILLING CODE 3410–02–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: On June 16 the Board of Directors of the FDIC granted the request of several petitioners that the FDIC reconsider certain provisions of the FDIC's rule governing securities subsidiaries and affiliates of insured nonmember banks. Insured nonmember banks that prior to December 28, 1984 became affiliated with a securities company, or prior to that date established or acquired a subsidiary that engages in securities activities, are presently required to comply with the "common name or logo" and "separate office and entrance" restrictions of the regulation by June 30, 1986. Inasmuch as the Board of Directors has consented to initiate rulemaking on whether or not to retain these restrictions, the Board of Directors is extending the compliance deadline with these provisions of the regulation for such institutions until December 31, 1986.

EFFECTIVE DATE: June 16, 1986.

FOR FURTHER INFORMATION CONTACT: Pamela E. F. LeCren, Senior Attorney,

Legal Division, (202) 898–3743, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On November 19, 1984, the FDIC adopted § 337.4 of its regulations (12 CFR 337.4) (49 FR 46722, November 28, 1984), governing certain securities activities of subsidiaries of insured nonmember banks and the affiliation of insured nonmember banks with certain types of securities companies. The regulation requires, among other things, that certain securities subsidiaries meet the definition of "bona fide subsidiary". That definition in turn requires, among other things, that a bank and its securities subsidiary must operate out of separate offices that share no common entrance if the subsidiary engages in securities activities prohibited to the bank by the Glass-Steagall Act. The subsidiary is also prohibited from sharing a common name or logo with the bank. The regulation imposes similar requirements upon a bank affiliated with a securities company if that securities company conducts securities activities that would be prohibited to the bank by the Glass-Steagall Act. Banks that were affiliated with such a securities company prior to December 28, 1984, or that established or acquired such a securities subsidiary prior to December 28, 1984, were required to comply with the name and office restrictions as soon as practicable, but not more than one year from December 28, 1984 without the FDIC's consent.

In December 1985 several banks filed petitions with the FDIC requesting that the FDIC reconsider the requirement in the regulation that a bank and its securities subsidiary or affiliate must have separate offices that share no common entrance and the prohibition on the use by a bank of a common name or logo with its securities subsidiary or affiliate. In order to permit sufficient time for the FDIC to fully consider the petitions, the Board of Directors extended the above-described compliance deadline with certain provisions of the regulation until June 30, 1986.

On June 16, 1986 the Board of Directors granted the request to reconsider the common name or logo prohibited and the separate office and separate entrance requirement. A document soliciting comment on whether or not to modify or retain these restrictions is expected to be published for public comment in the near future.

At the same meeting, and in conjunction with its vote to solicit public comment, the Board of Directors voted to extend the June 30, 1986 compliance deadline for the name and office restrictions until December 31, 1986 for institutions with preexisting affiliate and subsidiary relationships. The FDIC is therefore amending its regulations to reflect this change. Although extending the compliance deadline with certain provisions of the regulation for certain institutions, the Board of Directors reminded insured nonmember banks that § 337.4 is still in effect and that banks are expected to comply with the regulation to the full extent to which it is applicable to them.

In accordance with 5 U.S.C. 553, the FDIC has found that prior notice and a delayed effective date with respect to this amendment are unnecessary as the amendment delays the imposition of requirements that are already imposed by the existing regulation. Since the amendment only provides for an extension of time for compliance with certain portions of the regulation and imposes no burden upon banks, securities affiliates or the public, it is not subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) or the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 12 CFR Part 337

Banks, Banking, Securities, State nonmember banks.

In consideration of the foregoing, the FDIC hereby amends Part 337 of Title 12 of the Code of Federal Regulations as follows:

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for Part 337 is revised to read as follows:

Authority: Sec. 6, 64 Stat. 876, 12 U.S.C. 1816; sec. 8(a), section 2[8(a)] of the Act of September 21, 1950, (Pub. L. No. 797; 64 Stat. 897), effective September 21, 1950, as amended by section 204 of title II of the Act of October 16, 1966 (Pub. L. No. 89–695; 80 Stat. 1054), effective October 16, 1966; section 6(c)(14) of the Act of September 17, 1978 (Pub. L. No. 95–396; 92 Stat. 618), effective September 17, 1978; and section 113(g) of title I of the Act of October 15, 1982 (Pub. L. No. 97–320; 96 Stat. 1473 and 1474), effective October 15, 1982; 12 U.S.C. 1818(a); sec. 8(b), Section 2[8(b)] of the Act of September 21, 1950 (Pub. L. No. 797), as added by section 202 of title II of the Act of October 16, 1966 (Pub. L. No. 89–695; 80 Stat. 1046), as amended by section 110 of title I of the Act of October 28, 1974 (Pub. L. No. 93–495; 88 Stat. 1506), section 11 of the Act of September 17, 1978 (Pub. L. No. 95–369; 92 Stat. 624); sections 107(a)(1) and 107(b) of title I of the Act of November 10, 1978 (Pub. L. No. 95–630; 92 Stat. 3649 and 3653); and sections 404(c), 425(b) and 425(c) of title IV of the Act of October 15, 1982 (Pub. L. No. 97–320; 96 Stat. 1512 and 1524); 12 U.S.C. 1818(b); Sec. 9, 64 Stat. 881–882, 12 U.S.C. 1819; sec. 18(j)(2); 92 Stat. 3664, 12 U.S.C. 1828(j)(2), sec. 422, 96 Stat. 1469 (Pub. L. No. 97–320); sec. 11(a), section 2[11(a)] of the Act of September 21, 1950 (Pub. L. No. 797; 64 Stat. 884), effective September 21, 1950 as amended by section 301(c) of title III of the Act of October 16, 1966 (Pub. L. No. 89–695; 80 Stat. 1055), effective October 16, 1966; section 7(a)(3) of title I of the Act of December 23, 1969 (Pub. L. No. 91–151; 83 Stat. 375) effective December 23, 1969; sections 101(a)(3) and 102(a)(3) of title I of the Act of October 28, 1974 (Pub. L. No. 93–495; 88 Stat. 1500 and 1502), effective November 27, 1974; section 1401(a) of title XIV of the Act of November 10, 1978 (Pub. L. No. 95–630; 92 Stat. 3712), effective March 10, 1979; section 323 of title III of the Act of December 21, 1979 (Pub. L. No. 96–153; 93 Stat. 1120); section 308 of title III of the Act of March 31, 1980 (Pub. L. No. 96–221; 94 Stat. 147), effective March 31, 1980; and section 103 of title I of the Act of December 26, 1981 (Pub. L. 97–110; 95 Stat. 1541), effective December 26, 1981; sec. 11(f), section 2[11(f)], of the Act of September 21, 1950 (Pub. L. No. 797; 64 Stat. 885), effective September 21, 1950, as amended by section 6(c)(20) of the Act of September 17, 1978 (Pub. L. No. 95–369; 92 Stat. 619), effective September 17, 1978, 12 U.S.C. 1821(f).

2. Part 337 is amended by revising Paragraph (h)(3) of § 337.4 to read as follows:

§ 337.4 Securities activities of subsidiaries of insured nonmember banks: bank transactions with affiliated securities companies.

* * * * *

(h) * * *

(3) An insured nonmember bank described in § 337.4(h)(1) shall comply with the requirements imposed by § 337.4(a)(2) (ii) and (iii) and by § 337.4(c) (1) and (5) as soon as practicable (but not later than December 31, 1986 without the FDIC's consent).

* * * * *

By Order of the Board of Directors, this 16th day of June, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–14586 Filed 6–26–86; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–ANE–27; Amdt. 39–5345]

Airworthiness Directives; Teledyne Continental Motors, Pertains to Certain Cylinders in Stock and/or Installed on GTSIO–520, TSIO–520, IO–520, and IO–550 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one time inspection of certain cylinders in stock and the periodic inspection of all cylinders on certain GTSIO–520, TSIO–520, IO–520, and IO–550 series engines. The AD is needed to detect cylinder barrel cracks which could result in cylinder head to barrel separation, engine failure and/or engine compartment fire.

DATE: Effective July 11, 1986. Compliance as indicated in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Robert R. Goodall, Aerospace Engineer, Propulsion Branch, ACE–140A, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1075 Inner Loop Road, College Park, Georgia 30337, telephone (404) 763–7435.

SUPPLEMENTARY INFORMATION: The FAA has determined that certain GTSIO–520, TSIO–520, IO–520, and IO–550 series engines have experienced cylinder barrel cracking and in some cases complete head to barrel separation. If the cylinder barrel cracks are going to develop, all available evidence indicates that they will develop before the cylinders have reached 450 hours of operation. However, this condition if undetected, could lead to engine failure and/or engine compartment fire. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires a one time inspection of certain cylinders in stock and the periodic inspection of all cylinders on certain Teledyne Continental Motors GTSIO–520, TSIO–520, IO–520, and IO–550 series engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89.

2. By adding to § 39.13 the following new airworthiness directive (AD):

Teledyne Continental Motors (TCM): Applies to the following TCM Engine Models (Part I) and Cylinder Assemblies (Part II).

Part I

	Serial No.
New engines:	
GTSIO–520–H	607068 thru 607070.
GTSIO–520–K	605164.
GTSIO–520–L	608669 thru 608673.
GTSIO–520–M	606979 thru 606997.
GTSIO–520–N	610450 thru 610462.
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TSIO–520–CE	530045 thru 530127, 530131, 530132.
TSIO–520–C	501603 thru 501610.
TSIO–520–EB	510802 thru 510809.
TSIO–520–G	507066.
TSIO–520–H	506883 thru 506885.
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TSIO–520–P	513908 thru 513910.
TSIO–520–R	522588 thru 522602, 522604, 522605.
TSIO–520–UB	527063 thru 527080.
TSIO–520–VB	529014 thru 529060.
TSIO–520–WB	518895 thru 518906.
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IO–520–CB	576237 thru 576272.
IO–520–D	575717, 575747 thru 575806.
IO–520–E	556594 thru 556603.
IO–520–F	574844 thru 574988.
IO–520–K	557516 thru 557518.
IO–520–L	577121 thru 577147, 577149 thru 577153.
IO–520–MB	575043 thru 575046.
IO–550–B	675125 thru 675237, 675239 thru 675244, 675246 thru 675256, 675258 thru 675266, 675273, 675274, 675277, 675278.
IO–550–C	676156 thru 676231, 676233 thru 676248, 676250 thru 676271.
Rebuilt engines:	
GTSIO–520–C	155546 thru 155550.
GTSIO–520–D	219429 thru 219435.
GTSIO–520–H	235236 thru 235290, 235293 thru 235298, 267000 thru 267003.
GTSIO–520–K	226106 thru 226110.
GTSIO–520–L	245882 thru 245990, 245992 thru 246008, 246011 thru 246014, 246016 thru 246021, 246023, 246024.
GTSIO–520–M	243217 thru 243364, 243366, 243367, 243369 thru 243381.
GTSIO–520–N	241300, 265000 thru 265039, 265041.
TSIO–520–AF	245205.
TSIO–520–BB	236937 thru 236951.
TSIO–520–B	176485 thru 176522.
TSIO–520–C	178289 thru 178297.
TSIO–520–EB	242984 thru 242999.
TSIO–520–E	183816 thru 183939, 183941 thru 183943, 183947.
TSIO–520–G	216022 thru 216025.
TSIO–520–H	217173 thru 217187.
TSIO–520–J	218907 thru 218924.
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Part II

Cylinder Assemblies—(Part Number stamped on flange of cylinder) P/N's 643985, 646100, 646101, 646652, 646657, 649169, 649162 including all these numbers with all A dash numbers as a suffix, manufactured on or after January 1, 1985.

Compliance is required within the next five flight hours after the effective date of this AD, unless already accomplished and must be repeated at intervals not to exceed 50 flight hours until the last inspection required by this AD has been accomplished. The last inspection required by this AD must occur between 440 hours and 490 hours of cylinder operation.

To prevent possible cylinder head to barrel separation, engine failure and/or engine compartment fire, accomplish the following:

Part I

(a) Visually inspect all cylinders for oil stains or leakage between the first and second barrel fins from the bottom of the head casting. The area of concern on direct drive engines is at the 12 o'clock position on the 1–3–5 cylinder side and the 6 o'clock position on the 2–4–6 side. On the GTSIO series engine, the area of concern is at the 6 o'clock position on the 1–3–5 cylinder side and the 12 o'clock position on the 2–4–6 cylinder side.

(b) Pressure check all cylinders using a differential compression tester. The piston should be as close to BDC (Bottom Dead Center) as possible to insure the piston and rings are below the inspection area specified in Paragraph (a) but still keeping both valves closed and maintaining pressure in the cylinder. With 80 PSIG (pounds per square inch gauge) air pressure in the cylinder, check the area specified in Paragraph (a) with a soap/water solution and inspect for any leakage.

(c) If any leakage is noted from the above inspections, the cylinder must be changed before further flight.

(d) Make appropriate Engine Logbook entry upon completion of each inspection.

Part II

(a) If the cylinder assembly has been installed on an engine, remove the rocker cover and verify the manufacture date stamped in the face of the rocker shaft boss, e.g., 5–85 is May 1985. Any cylinder assembly with a 1–85 (January 1985) or subsequent date, must be inspected per Part I above.

(b) If the cylinder assembly has not been installed on an engine and is identified (as described in Part II, Paragraph (a) above) as having a manufacture date stamp of 1–85 (January 1985) or subsequent, then notify Teledyne Continental Motors for disposition and replacement.

(c) Make appropriate Engine Logbook entry upon completion of each inspection.

Notes.—(a) Teledyne Continental Motors Service Bulletin No. M86–7 addresses this subject.

(b) The manufacturer recommends continuing repetitive inspections at 100 hour intervals or at annual inspection.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and FAR 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Atlanta Aircraft Certification Office, may adjust the compliance time specified in this AD.

This amendment becomes effective on July 11, 1986.

Issued in Burlington, Massachusetts, on June 20, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86–14514 Filed 6–26–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 73

[Airspace Docket No. 86–AWA–32]

Alteration of Restricted Areas R–3601A and B, Brookville, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the times of use for Restricted Areas R–3601A and B, located near Brookville, KS, indicating more accurately when the areas are being utilized. This action will reduce the time the restricted areas are in effect.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

FOR FURTHER INFORMATION CONTACT:

Andrew B. Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426–3128.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) changes the times of use for Restricted Areas R–3601A and B, located near Brookville, KS, from "Monday-Saturday, Sunrise to 2400 CST; other times by NOTAM 24 hours in advance" to "Monday, Tuesday, Wednesday, Friday, and Saturday, 0830 to 1630 CST; Thursday, 0830 to 2100 CST; other times by NOTAM 24 hours in advance." Because this would amend the times of designation to reflect actual times of use and would reduce the times the restricted areas are in effect, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particularly interested. Section 73.36 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

PART 73—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal

Aviation Regulations (14 CFR Part 73) is amended, as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 73.36 [Amended]

2. Section 73.36 is amended as follows:

R-3601A Brookville, KS [Amended]

By removing the words "Monday-Saturday, Sunrise to 2400 CST; other times by NOTAM 24 hours in advance." and by substituting the words "Monday, Tuesday, Wednesday, Friday, and Saturday, 0830 to 1630 CST; Thursday, 0830 to 2100 CST; other times by NOTAM 24 hours in advance."

R-3601B Brookville, KS [Amended]

By removing the words "Monday-Saturday, Sunrise to 2400 CST; other times by NOTAM 24 hours in advance." and by substituting the words "Monday, Tuesday, Wednesday, Friday, and Saturday, 0830 to 1630 CST; Thursday, 0830 to 2100 CST; other times by NOTAM 24 hours in advance."

Issued in Washington, DC, on June 20, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-14517 Filed 6-26-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 86-AWA-10]

Subdivision of R-6412 Camp Williams, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment subdivides Restricted Area R-6412 Camp Williams, UT, into R-6412A and R-6412B with changes in altitude structures and times of use. This action would provide the necessary airspace for the live-fire training of weapons by the Department of the Army.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

FOR FURTHER INFORMATION CONTACT:

Andrew B. Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

History

On April 23, 1986, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to subdivide Restricted Area R-6412 Camp Williams, UT, into R-6412A and R-6412B with changes in altitude structures and times of use. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 73.64 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations subdivides Restricted Area R-6412 Camp Williams, UT, into R-6412A and R-6412B with changes in altitude structures and times of use. The ceiling of R-6412A will be 9,000 feet MSL. The designated altitudes of R-6412B will be from 9,000 feet MSL to and including 10,000 feet MSL. R-6412A will be used for five weekends per year during the months of April, May, August, September and October. In addition, both R-6412A and R-6412B will be used for two weeks in the month of June. The effective date of this action including charting of the restricted areas will be August 28, 1986. However, temporary restricted areas will be in effect for the period of August 9-10, 1986, to accommodate necessary military training. This particular action will be published in an appropriate Notice to Airmen.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

PART 73—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 73.64 is amended as follows:

R-6412 Camp Williams, UT [Removed]

R-6412A Camp Williams, UT [New]

Boundaries. Beginning at lat. 40°27'30" N., long. 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to lat. 40°23'30" N., long. 111°54'58" W. to lat. 40°23'30" N., long. 112°06'00" W.; to lat. 40°27'30" N., long. 112°06'00" W.; to the point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. By NOTAM.

Controlling agency. FAA, Salt Lake City Tower.

Using agency. The Adjutant General, state of Utah.

R-6412B Camp Williams, UT [New]

Boundaries. Beginning at lat. 40°27'30" N., long. 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to lat. 40°23'30" N., long. 111°54'58" W.; to lat. 40°23'30" N., long. 112°06'00" W.; to lat. 40°27'30" N., long. 112°06'00" W.; to the point of beginning.

Designated altitudes. 9,000 feet to 10,000 feet MSL.

Time of designation. By NOTAM.

Controlling agency. FAA, Salt Lake City Tower.

Using agency. The Adjutant General, state of Utah.

Issued in Washington, DC, on June 20, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-14516 Filed 6-26-86; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1115

Statement of Enforcement Policy on Substantial Product Hazard Reports

AGENCY: Consumer Product Safety Commission.

ACTION: Response to Comments on Statement of Enforcement Policy on Substantial Product Hazard Reports.

SUMMARY: In this document, the Consumer Product Safety Commission responds to comments regarding its Statement of Enforcement Policy on Substantial Product Hazard Reports, and republishes an amended version of that document. The comments were submitted in response to a December 28, 1984 request for public comment on the April 6, 1984 enforcement policy on reporting substantial product hazards. That policy statement was issued to provide guidance to firms that are subject to the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2064(b). Section 15(b) requires every manufacturer, distributor or retailer of a consumer product distributed in commerce who obtains information which reasonably supports the conclusion that the product either fails to comply with an applicable consumer product safety rule or contains a defect which could create a substantial product hazard immediately to inform the Commission, unless the manufacturer, distributor, or retailer has actual knowledge that the Commission has been adequately informed of the defect or of the failure to comply.

In this document, the Commission clarifies certain aspects of the 1984 policy statement which were of concern to commenters, by a 4–1 vote withdraws examples given in the policy statement,[1] and by a 5–0 vote re-emphasizes the importance of the section 15(b) reporting requirements.

EFFECTIVE DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Philip E. Bechtel, Director, Division of Administrative Litigation (301) 492–6626, or David W. Thome, Director, Division of Corrective Actions (301) 492–6608, Consumer Product Safety Commission, Washington, DC 20207.

SUPPLEMENTARY INFORMATION: Section 15 of the CPSA authorizes the Consumer Product Safety Commission to initiate administrative proceedings to obtain remedial action for products which present a substantial product hazard. Among the remedies available to the Commission are administrative orders requiring manufacturers to give public notice of the hazards and requiring the repair, the replacement or refund of the purchase price of products which present a substantial product hazard.

Section 15(b) of the Consumer Product Safety Act establishes an "early warning system" which enables the Commission to become aware of products which may present substantial product hazards. This section requires every manufacturer, distributor, and retailer of a consumer product distributed in commerce, who obtains information which reasonably supports the conclusion that the product either fails to comply with an applicable product safety rule or contains a defect which could create a substantial product hazard, immediately to inform the Commission, unless the firm has actual knowledge that the Commission has been adequately informed. After being notified of a potential hazard, the Commission assesses the degree and severity of the risk of injury associated with the product and determines what corrective action, if any, is necessary to protect the public. It is a prohibited act for a firm that obtains reportable information to fail to make a section 15(b) report. 15 U.S.C. 2068(a)(4). If the failure to report is done knowingly, a civil penalty may be assessed against the firm. 15 U.S.C. 2069.

On August 7, 1978, the Commission issued regulations interpreting the reporting obligation under section 15(b), 16 CFR Part 1115 "Substantial Product Hazard Reports" (43 FR 34988). These interpretative rules, which remain in effect today, identify the type of information that is reportable under section 15(b) or which should be studied and evaluated to determine whether a report is required.

The regulations state that in deciding whether to report, a firm should first consider whether the information available reasonably supports the conclusion that the product contains a defect. If it does, the firm must then consider whether that defect could create a substantial product hazard. (§ 1115.4). The regulations explain the factors that the Commission and staff consider in determining whether a risk of injury associated with a product is the type of risk that will render the product defective as well as the factors to be assessed in determining whether a substantial product hazard could exist. (§ 1115.4 and § 1115.12(f)).

The regulations state that a firm should not wait until it obtains a complete product evaluation or accurate risk estimate before reporting under section 15(b) of the CPSA. (§ 1115.14(c)). However, the regulations recognize that a reasonable time for investigation and evaluation might be necessary to determine whether the Commission should be notified when the initial information is not clearly reportable on its face. (§ 1115.14(c)).

On April 6, 1984, the Commission published a Statement of Enforcement Policy on Substantial Product Hazard Reports (49 FR 13820). That statement supplemented, rather than replaced, the August 1978 interpretative rule. The 1984 statement was published because of the Commission's serious concern about the level of compliance with the reporting requirement of section 15(b) of the CPSA. The Commission provided an analysis of the frequency with which corrective actions were initiated as a result of section 15 reports as opposed to independent investigation by the Commission. Based on this analysis, the Commission concluded that there was a substantial amount of under-reporting the most serious hazards as well as undue delay in filing reports.

The policy statement was also designed to provide guidelines and clarification to help firms meet the section 15(b) reporting obligations. The following guidelines were offered: (1) Know the requirements set out at Section 15 of the CPSA, as interpreted by the Commission's regulations; (2) Seek informal guidance from the CPSC as to the need to report; (3) Report if at all in doubt; (4) The term "defect," as used in the reporting requirements, has a broad meaning and includes design defects, manufacturing and production errors, as well as defects in warnings or instructions; (5) The test for reporting is based on a reasonableness standard and does not require certainty that a defect or hazard exists; (6) Report immediately, not weeks or months later; (7) Report even if an insurance carrier is handling the matter; (8) Report any death or grievous injury that may have been caused by a product defect or non-compliance with a consumer product safety rule; (9) Don't wait for incidents, complaints, and lawsuits to accumulate before reporting; (10) Remember that Section 15 reporting is a high CPSC priority.

Six months after publication of the 1984 guidelines, four trade associations representing manufacturers of consumer products requested that the Commission solicit public comment on the 1984 Policy Statement. The Commission has not done so at the time of the original publication because, as an interpretative policy statement, public notice was not required by the Administrative Procedure Act, 5 U.S.C. 553. The requesting organizations, however, believed that public comment was

[1] Acting Chairman Anne Graham and Commissioners Saundra Brown Armstrong, and Carol Dawson voted to approve this **Federal Register** notice which deletes the examples. Commissioner Terrence M. Scanlon voted to issue this notice which deletes the examples, and would have adopted other changes that were not agreed to by the majority. Former Commissioner Stuart M. Statler voted to issue a notice that included the examples. A separate statement of Commissioner Statler is available from the Commission's Office of the Secretary.

appropriate, given the importance of the requirements of section 15(b). The organizations also asserted that public comment would alleviate some misunderstandings which the commenters thought the 1984 statement of policy may have generated. In response to the request, on December 28, 1984 the Commission published in the **Federal Register** a notice soliciting written comments on the April 6, 1984 statement of enforcement policy on substantial product hazard reports. Comments were received from ten manufacturers, eleven trade associations, one consumer organization and two individuals. The comments and the Commission's responses are as follows:

A. Purpose of the 1984 policy statement

Although the consumer organization and the two individuals who commented generally supported the 1984 policy statement, a majority of the commenters expressed general opposition to the 1984 policy statement. Most took the position that the provisions of that policy statement exceeded the statutory requirements of section 15(b) and thus were beyond the power of the Commission to enact. Others indicated that the policy statement appeared to conflict with the provisions of the Commission's 1978 interpretative rule. Many of these commenters also expressed specific reservations about the general impact of the 1984 policy statement. Some contended that, if followed to the letter, the 1984 guidelines would require manufacturers to report any safety related information, regardless of whether that information reasonably supported the conclusion that a product contained a defect which could create a substantial product hazard. These commenters pointed to the Commission's admonition to file a report if in doubt as an indication that the Commission encourages indiscriminate reporting. Others objected to the policy statement on the grounds that firms would have to report even if consumer misuse were the cause of an injury rather than a defect. Most of the commenters claimed that the specific examples set forth in the 1984 policy statement reinforced the impression that the Commission was attempting to encourage reports where the statutory criteria of section 15 are not met.

The guidelines for reporting pursuant to section 15(b) appear in the Commission's interpretative regulations, 16 CFR Part 1115. Those guidelines were published in 1978 and republished without change for the convenience of readers, in the **Federal Register** notice of April 6, 1984. These guidelines set forth criteria for reporting which the Commission believes will aid a firm in satisfying its obligations under section 15(b) of the CPSA. The 1984 policy statement does not supersede the 1978 interpretative rule; rather, the policy statement apprises the public of the concerns of the agency about inadequate reporting, and gives additional guidance to industry concerning section 15(b) reporting.

The guidance in the 1984 policy statement was intended to prevent the recurrence of certain kinds of reporting problems which the Commission staff discovered through its investigations. Many of these investigations resulted in corrective actions and some in the payment of civil penalties for failure to report pursuant to section 15(b).

The policy statement was not an attempt to revise the Commission's 1978 rule governing substantial hazard reports. The 1978 interpretative rule remains in effect.

B. The Examples

The 1984 policy statement contained a section entitled *Guidance to Industry on Reporting Under Section 15 CPSA*. That section contained the Commission's views on when and what types of information should be reported. In order to help firms apply the guidance as to when to file a section 15(b) report, the Commission included, in the policy statement, examples of situations where there might be a question of the need to file a report. In the Commission's opinion, these examples illustrated the more difficult situations that can confront firms trying to meet the responsibilities of section 15(b).

A great number of commenters took issue with the Commission's conclusions about whether the facts set forth in these examples created an obligation to report. While the scope of the comments varied, the common thread was that the information contained in each example was not *per se* reportable under section 15(b). Rather the commenters contended that the information laid out in the examples would only be sufficient to trigger further investigation of the facts to determine whether a report was in fact required. Some commenters, therefore, advocated deleting the examples from the 1984 policy statement while others suggested that the Commission clarify the purpose for which they were placed in the statement. Some commenters suggested that the examples needed additional information to make the reporting obligation more easily understood, and several commenters suggested that the Commission include examples of situations in which a report is not required.

Some of the examples in the policy statement were intended to alert firms to the existence of evidence of design defects. In the past, many firms have viewed injury reports within the narrow frame of reference of their product liability defenses. An injury or incident attributed to "misuse" or "abuse" of a product often receives little further scrutiny, even though it has been the Commission's experience that such incidents or injuries—particularly when they are cumulative—sometimes reflect a misjudgment by the original designer and may be indicative of a design defect. Firms should analyze such incidents with that perspective in mind and not merely ignore such incidents for section 15(b) purposes.

Other examples were designed to encourage firms to examine information relating to potential hazards expeditiously to determine whether a reportable defect existed. The Commission believes that it is important to re-emphasize a critical concern raised in the 1984 policy statement that, when in doubt, firms should report. The 1984 policy statement encourages firms to err on the side of surfacing rather than burying potential problems.

The Commission has determined that the examples themselves had become the focus of unnecessary debate and confusion. Since, as brief descriptions of situations, they were by necessity incomplete and imprecise, they were subject to a wide range of interpretation. Furthermore, the basic guidance provided in the examples as to when to report appears elsewhere in the policy statement and in the Commission's interpretative rules at 16 CFR Part 1115. For these reasons, the Commission has decided to withdraw the examples. At the conclusion of this document, the Commission republishes the Section of the 1984 Statement of Enforcement Policy entitled "Guidance to Industry on Reporting Under Section 15 CPSA" without the examples.

Withdrawal of the examples should not be viewed as a modification of the Commission's position on section 15(b) reporting. In fact, the Commission places an even stronger emphasis on compliance with the reporting requirement in section 15(b), and 16 CFR Part 1115. The Commission re-emphasizes that the 1978 interpretative rule remains in effect without change.

Firms subject to the section 15(b) requirements should pay careful attention to the 1978 interpretative rule, especially the sections concerning the reportability of a death or grievous

bodily injury, at § 1115.12(c) and the meaning of "defect," at § 1115.4. The Commission reaffirms the importance of section 15(b) reporting and urges firms to resolve close questions in favor of notifying the Commission of potential substantial product hazards.

The section 15(b) reporting requirements are critical to the Commission in administering its statutory responsibilities. Section 15 reports enable the Commission to obtain information at an early stage from knowledgeable sources and provide a key basis for evaluating a potential hazard and the need, if any, for corrective action. Where firms do not report, the Commission must rely on other sources of information as well as its own independent investigations to find out about potential problems. This in turn often is detrimental to the safety of the public because needed remedial measures can be significantly delayed during the course of the investigation.

Because of the importance of section 15(b) reporting, the Commission directs the staff to investigate aggressively and thoroughly product defects which may present substantial product hazards and to prepare routinely to consider the imposition of civil penalties when the staff learns that information which reasonably supports the conclusion that a product contains a defect which could create a substantial product hazard has not been reported. The Commission will make the resources available to accomplish this objective.

C. Time for Reporting

Many of the commenters expressed concern—particularly in response to the examples—over the timing of section 15(b) reports. The Commission's substantial product hazard rules at 16 CFR Part 1115 provide basic guidance. If a firm receives information indicating that a non-compliance with a consumer product safety rule, or a defect in its product has caused, may have caused, or could have caused or contributed to the causing of a death or grievous bodily injury, it should report immediately or conduct a reasonably expeditious investigation as provided for at 16 CFR 1115.12(c) and 1115.14. Other information which tends to indicate the existence of a non-compliance or a defect which could create a substantial product hazard should be reported or studied and evaluated pursuant to 16 CFR 1115.12(e) and 1115.14. The regulations advise that the time for investigating and evaluating the reportability of a death or grievous bodily injury or other information should not exceed ten days unless the firm can demonstrate that a longer period is reasonable. If the firm determines after a reasonably expeditious investigation that a reportable noncompliance or defect exists, then it must report immediately (within 24 hours).

The Commission realizes that conducting such investigations is often difficult, and the firm initially may be able to obtain only sketchy information concerning the possible product defect. The Commission urges firms to inform the Commission of such information even if they are not entirely certain that a formal report is required. The Commission is willing to adapt to such circumstances and work with the company to develop the information needed to fully determine the level of the problem. The staff is also willing to establish with the firm a reasonable timetable for completing its investigation.

In addition to assuring compliance with the statutory intent that companies immediately report, prompt reporting within these guidelines provides firms with other benefits. A firm that unilaterally performs an investigation of a potential defect without reporting to the Commission and settles on a corrective action plan runs the real risk that the Commission staff may not concur with the firm's, assessment of the problem and may disagree with the course of the corrective action selected by the manufacturer. As a result of such disagreement, the firm may need to reevaluate its approach to the problem, often creating further expense and delay in remedying the problem. This is not in the firm's the Commission's, or the public's interest.

By reporting early, the firm is able to receive the benefit of the views and technical expertise of the Commission's staff in analyzing the potential problem. As a result, if a serious problem does exist, the firm and the Commission have already established a dialogue and can develop a corrective action plan in an orderly, cost-effective fashion. The firm does not run the risk of expending substantial amounts of time and money on corrective action which is subsequently not accepted by the staff or the Commission. If the firm initially presents information which demonstrates that a substantial product hazard is not present or if such information is developed in the subsequent investigation, the Commission staff will close its file.

D. Over-reporting

A number of commenters contented that if the guidance contained in the 1984 policy statement were followed literally, the Commission would be inundated with thousands of unnecessary reports. This concern was often based on an extremely literal reading of the policy statement's examples. The commenters expressed concern about the burden that such reporting would place on industry and also pointed out that, given scarce resources, the Commission staff might be unable to handle the volume of reports. Accordingly, the commenters feared that adequate attention might not be given to serious hazards which deserve immediate corrective action.

The Commission believes that its response to the comments concerning the examples and its discussion of the relationship of the 1984 policy statement to the 1978 interpretative rule resolves the concerns expressed by the commenters. In addition, the Commission has conducted a review of reports received after the publication of the 1984 policy statement to determine whether there was an upsurge in unnecessary reporting. The Commission found that while the number of reports increased from 128 in FY1984 to 177 in FY1985, there was no indication that a significant number of reports of marginal information were received. Therefore there is no indication that publication of the policy statement led to over-reporting.

Section 15 is high priority of the Commission. The Commission wishes to encourage increased reporting by informing industry of the nature and scope of the reporting requirements. Should an upsurge in reports require the commitment of additional resources to that area, the agency is prepared to act accordingly.

E. Under-reporting

One of the prime reasons for issuing the 1984 policy statement was the Commission's concern that firms were not reporting potentially serious hazards as required by section 15(b). The policy statement pointed out that of the 25 most serious hazard files opened by the Commission staff in Fiscal Year 1983, only 5 resulted from section 15(b) reports by firms; the others arose from investigations conducted by the Commission's own headquarters and field staff. Based on this information, the Commission concluded that additional guidance was necessary to apprise firms of their obligations under section 15(b) and therefore issued the policy statement.

This trend in under-reporting of the more serious hazards has continued. In 1984, 14 of the 106 recall actions initiated by the Commission staff were classified as Class A or Class B+ (the

highest hazard priorities under the Commission's Classification System). Of these A and B+ cases, only 2 were voluntarily reported by firms and 12 resulted from Commission staff investigations. In 1985, 5 of the 100 Section 15 recall actions initiated by the staff were classified as A's or B+'s. All of these A or B+ cases resulted from staff investigations, although in one case, the firm reported shortly after the staff commenced its investigation.

Many commenters objected to the Commission's conclusion concerning under-reporting. Of major concern to these commenters was their belief that, in response to its perception of under-reporting, the Commission had initiated a policy of requiring firms to report marginal information which, under the 1978 interpretive rule, would not have been reportable. These commenters contended that, if there were a problem with under-reporting, the solution would be to seek civil penalties for failing to file timely reports.

The Commission disagrees with those commenters who challenge the Commission's belief that there is substantial underreporting. In the view of the Commission, the numbers speak for themselves.

Several comments expressed concern that the Commission was attempting in the 1984 policy statement to increase the reporting of less than substantial matters. The Commission intended to encourage prompt reporting of the same types of hazards or potential hazards as it did in its 1978 rules (16 CFR Part 1115). If a firm is unsure of the level of hazard and/or unable to conclude a reasonably expeditious investigation, then it should notify the Commission of the problem and work with the staff to resolve any questions.

The Commission agrees with those commenters who suggested that one way to stimulate reporting is to bring more enforcement actions when violations of the reporting requirements are discovered. Accordingly, the Commission will continue its investigatory efforts to identify products which may present unreported potential substantial product hazards and to seek the imposition of civil penalties against firms who have failed to report. However, the Commission also believes that the 1984 policy statement is itself a useful tool in heightening manufacturers' awareness of the requirements of section 15(b). As a result, the Commission will not revoke the policy statement but has clarified in this document issues that caused concern.

F. Section 23 CPSA

Several commenters referred to the potential impact of the 1984 policy statement on cases arising under section 23 of the Consumer Product Safety Act. 15 U.S.C. 2072. Section 23 provides for a private cause of action by any party injured by the knowing violation of any consumer product safety rule or other rule issued by the Commission. Those commenters pointed to a number of judicial decisions holding that the 1978 interpretative rule was a rule for the purposes of section 23. The commenters argued that, because the 1984 policy statement appeared to broaden the reporting obligations set forth in the 1978 interpretative rule, exposure to product liability suits under section 23 would also increase. In particular, these commenters contended that the examples contained in the 1984 policy statement would become a benchmark by which compliance with the reporting requirements of the interpretative rule would be measured. This result would subject firms to liability for the failure to report information which the commenters contended need not be reported under the statute.

The Commission agrees with the commenter who pointed out that the Commission's primary concern in publishing the 1984 policy statement should be the basis for reporting rather than any collateral hypothetical effect that issuance of the 1984 policy statement might have on section 23 causes of action. Nevertheless, the Commission's clarification of the purpose of the examples and their deletion should alleviate most of these liability concerns.

G. Miscellaneous

1. Generic use of section 15

Two commenters contested what they characterized as the attempt of the Commission to use section 15(b) against generic product classes rather than proceeding to remedy the hazards through rulemaking. This comment goes beyond the scope of the 1984 policy statement and, therefore, is irrelevant to the issues discussed in that statement.

2. Disclaiming reports

Two comments concern reports submitted to the Commission by manufacturers which contain disclaimers stating that the reports are not submitted pursuant to section 15(b) because the manufacturer does not believe that the product in issue is defective. The commenters noted that the Commission staff routinely designates such product safety information as a section 15(b) report, disregarding the disclaimer. The commenters suggested that the Commission staff treat such a submission as a preliminary notification of a potential safety problem to distinguish it from reports submitted in compliance with the statutory requirements of section 15(b).

The Commission staff has already implemented a policy of not automatically referring to all industry submissions on safety problems with specific products as "Section 15(b) reports". If a company elects to characterize information which it has submitted as something other than a section 15(b) report, the staff will not refer to this submission as a "Section 15(b) report" in written communications. Thus, the staff will conduct any necessary investigation and request any needed information from firms in order to determine if a potential substantial product hazard exists which could warrant corrective action to protect the public. In the process of doing this, the staff may request that the firm file a "full report" under 16 CFR 1115.13(d).

3. Use of actual case histories

Two commenters suggested the Commission should conduct a comprehensive review of its administration of section 15 since 1973. The commenters request that the Commission publish a series of actual case histories summarizing relevant facts in order to provide specific guidance on the criteria for the reasonableness of reporting.

As noted earlier, the examples contained in the 1984 policy statement were based in part on actual case histories. One primary criticism of those examples is that they did not contain enough specific facts to give guidance to manufacturers about the applicability of the reporting requirements to analogous situations. The Commission believes that any attempt to publish a compendium of case histories would suffer similar criticism.

Additionally, section 6 of the Consumer Product Safety Act, especially section 6(b), severely restricts the Commission's ability to disclose to the public information concerning specific products or information which has been reported pursuant to section 15(b).

Further, to date, virtually every case involving an issue of timely reporting has been settled without litigation and without admission of a violation by the defendant. Given the disputes concerning the reportability of information which preceded the great majority of the settlements, it is likely that any attempt by the Commission to

prepare a series of case histories would encounter at least as much controversy as the examples in the 1984 policy statement. The Commission declines to adopt the commenters' suggestion at this time.

Guidance to industry on reporting under section 15 CPSA:

1. *Know the Legal Requirements*—The reporting requirements are set out at section 15 of the CPSA (15 U.S.C. 2064), as interpreted by 16 CFR Part 1115. Substantial penalties exist for non-compliance with these requirements.

2. *Seek Informal Guidance*—Firms can seek informal guidance from the Compliance staff as to the need to report.

3. *Report if in Doubt—When in Doubt, Firms Should Report.* Firms should clearly err on the side of reporting, rather than failing or waiting to report. The obligation to report is created when the firm *first* receives information reasonably supporting the conclusion that the product is non-complying or contains a defect that could create a substantial product hazard. Firms should not wait to determine to a certainty whether these conditions exist. Instead, when a firm first receives information reasonably supporting these conclusions, the firm should report. The firm and the Commission will then be in a position to evaluate this information, even if it is of a preliminary or tentative nature, as well as any additional relevant information that is discovered later. With the Commission staff's expertise in these matters, the firm will be helped in reaching a more expeditious assessment of the nature and severity of the matter and the need, if any, for corrective action. The regulations provide that firms can report without admitting, and can specifically deny, that the information indicates a substantial product hazard (Section 1115.12(a)).

4. *Broad Meaning of "Defect"*—The term "defect" includes design problems, labeling, instruction, and warning problems; as well as unintended faults, flaws, irregularities, and manufacturing and production problems (Section 1115.4).

5. *Reasonableness is the Test—Not Certainty*—The test for reporting is based on a reasonableness standard and does not require certainty that a defect or hazard exists. Instead, a firm must report if available information *reasonably* supports the conclusion that the product either contains a defect which could create a substantial product hazard, or fails to comply with an applicable consumer product safety rule (Section 15(a)(2) of the CPSA; § 1115.12).

6. *Need to Report Immediately*—Time is of the essence in filing reports under Section 15. The statute specifies that firms must "immediately" inform the Commission (Section 15(b)). The regulations provide that the report must be filed within 24 hours after the firm obtains reportable information. While a firm can elect to conduct an expeditious investigation to determine reportability, the regulations provide that this investigation and evaluation should not ordinarily exceed 10 days. If at the end of 10 days, a firm is unable to determine that the matter is not reportable, the Commission expects the firm to immediately file a report (Section 1115.14). Firms that have delayed reporting and have reportable information should not withhold it, even if they realize that the Commission is likely to consider the report to be late. The Commission will seek to invoke the most significant penalties where it discovers a firm that does not file a report. Firms that file a late report can generally anticipate a less serious penalty than those firms that do not report.

7. *Must Report Even if Insurance Carrier is Handling*—Given the requirement to immediately inform the Commission, a firm can not avoid or delay the reporting requirement by turning claims and complaints over to its insurance carrier for follow-up investigation and handling (Section 1115.14).

8. *Must Report Death or Grievous Injury*—A death or grievous bodily injury that may have been caused by a product defect or non-compliance must be reported unless the firm has investigated and is certain that it is not reportable (Section 1115.12(c)).

9. *Don't Wait for Complaints and Lawsuits to Accumulate*—Firms should not wait for consumer complaints, claims and product liability lawsuits to accumulate before deciding whether to report. Firms should develop and implement internal controls to ensure that the information is expeditiously routed to a responsible persons and dealt with promptly. If information reasonably support the conclusion that a defect, or non-compliance is present, firms should immediately report (Section 1115.12).

10. *Remember That Section 15 Reporting is a High CPSC Priority*—Section 15 reporting is among the highest priority matters for CPSC enforcement. Section 15 reports are critical to the rapid, resource efficient evaluation, by the firm involved and the Commission staff, of the potential hazard and the need to take corrective action for a particular product. The failure of a firm to report, or undue delay in reporting, seriously hinders the Commission's efforts to protect and inform the public with respect to substantial product hazards in a timely and efficient manner. The Commission intends to vigorously pursue civil penalties against firms that violate the reporting requirements of section 15.

Dated: June 24, 1986.

Sadye E. Dunn,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 86-14557 Filed 6-26-86; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Morantel Tartrate Cartridge

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental NADA filed by Pfizer, Inc., providing minor labeling revisions regarding the timing of Paratect® (morantel tartrate) Sustained Release Cartridge administration. The drug product is used to control the adult stage of certain gastrointestinal nematode infections in weaned calves and yearling cattle.

EFFECTIVE DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017, filed supplemental NADA 134-779 which provides minor labeling revisions pertaining to use of Paratect® (morantel tartrate) Sustained Release Cartridge as an anthelmintic in yearling cattle and weaned calves weighing at least 200 pounds. Currently in the product labeling and the regulation at 21 CFR 520.1450b, guidance on how to achieve optimum effectiveness is given in terms of dosing at specific times of the year. The supplemental NADA, however, revises the product labeling to provide such guidance based on the time of the year during which parasite populations will proliferate in the pasture as well as

the time at which the herd will have access to the pasture. Accordingly, the supplement is approved and the regulations are amended to reflect the approval.

Approval of this supplement is an administrative action that did not require generation of new effectiveness or safety data. Therefore, a freedom of information summary (pursuant to 21 CFR 514.11(e)(2)(ii)) is not required.

The agency has determined under 21 CFR 25.24(d)(1)(i) April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 520.1450b is amended by revising paragraph (d) to read as follows:

§ 520.1450b Morantel tartrate cartridge.

* * * * *

(d) *Conditions of use*—(1) *Amount.* Grazing cattle: Administer 1 cartridge to each animal at the start of the grazing season.

(2) *Indications for use.* For control of the adult stage of the following gastrointestinal nematode infections in weaned calves and yearling cattle weighing a minimum of 200 pounds: *Ostertagia* spp., *Trichostrongylus axei, Cooperia* spp., and *Oesophagostomum radiatum.*

(3) *Limitations.* Administer orally with the dosing gun to all cattle that will be grazing the same pasture. Effectiveness of the drug product is dependent upon continuous control of the gastrointestinal parasites for approximately 90 days following administration. Therefore, treated cattle should not be moved to pastures grazed in the same grazing season/calendar year by untreated cattle. Do not administer to cattle within 160 days of slaughter. Consult your veterinarian before administering to severely debilitated animals and for assistance in the diagnosis, treatment, and control of parasitism.

Dated: June 20, 1986.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-14525 Filed 6-26-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Approval of Permanent Program Amendments From the Commonwealth of Kentucky Under the Surface Mining Control and Reclamation Act of 1977; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rules; corrections.

SUMMARY: This document corrects several final rule documents in 30 CFR Part 917 which have been published in the **Federal Register** since the July 1, 1985 edition of the Code of Federal Regulations (CFR). The documents affect 30 CFR 917.15 and all relate to approval of program amendments to the Commonwealth of Kentucky permanent regulatory program. Several paragraphs were lettered incorrectly. This document will correct those paragraphs so that the revised 1986 CFR volume will reflect the correct letter designations.

EFFECTIVE DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, Room 210, 1951 Constitution Avenue, NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION: In Title 30, Code of Federal Regulations, 30 CFR 917.15 is corrected as shown in the following table. The table shows, in the first and second columns, the letter designation and where it appeared in the **Federal Register**. The third column shows the correct designation.

Section	FR Page and Date	Change paragraph designation to:
917.15(n)	51 FR 3171, Jan. 24, 1986	(o)
917.15(o)	51 FR 7268, Mar. 3, 1986	(p)
917.15(p)	51 FR 9010, Mar. 17, 1986	(q)
917.15(r)	51 FR 12141, Apr. 9, 1986	(s)
917.15(s)	51 FR 19066, May 27, 1986	(t)

Dated: June 23, 1986.

Arthur W. Abbs,

Acting Assistant Director, Program Operations.

[FR Doc. 86-14581 Filed 6-26-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD1-85-4R]

Safety Zone; Chelsea River, Boston Inner Harbor, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: A final rule establishing a safety zone on the waters of the Chelsea River, Boston Inner Harbor was published on Monday, March 31, 1986. The amendatory language for § 165.120 was incorrect. This document corrects that language.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Michael "A" Wade (617) 223-1470.

Drafting Information

The drafters of these regulations are Lieutenant Commander Michael "A" Wade, Project Officer, and Lieutenant Commander James M. Collin, Project Attorney, First Coast Guard District Legal Office.

The amendatory language for § 165.120 appearing at the top of the first column on page 10835 in FR Doc. 86-7013 in the **Federal Register** of March 31, 1986 is corrected to read as follows:

"2. Section 165.120 is revised as follows:"

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 46 CFR 1.46; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

Dated: June 12, 1986.

Herbert D. Robinson, Jr.,

Commander, U.S. Coast Guard, By Direction of the Captain of the Port, Boston, Massachusetts.

[FR Doc. 86-14472 Filed 6-26-86; 8:45 am]

BILLING CODE 4910-14-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1250

Freedom of Information Act Procedures

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: This rule establishes procedures for appealing denials of fee waiver requests for National Archives and Records Administration (NARA) administrative records. The proposed rule also modifies procedures for payment of fees charged under FOIA and for determining the time limit for appealing a denial of a FOIA request. The rule is intended to clarify NARA procedures for handling FOIA requests.

EFFECTIVE DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202–523–3214 (FTS 523–3214).

SUPPLEMENTARY INFORMATION:

One comment was received in response to NARA's notice of proposed rulemaking on May 9, 1986 (51 FR 17206) to modify its regulations implementing the Freedom of Information Act (FOIA) with respect to NARA administrative records. That comment objected to the proposal to incorporate the Department of Justice fee-waiver guidelines in NARA's regulations. Since those guidelines are advisory rather than mandatory, we have modified the language in § 1250.38 to conform to the statutory language set forth in 5 U.S.C. 552(a)(4)(A).

This rule modifies § 1250.38 to specify that the procedures in § 1250.58 are to be used for appealing fee waiver denials. Section 1250.58(b) is revised to provide that NARA will consider timely any appeal received within 35 calendar days after the date of the initial denial letter. The rule also modifies § 1250.44 to require that checks or money orders in payment of FOIA fees be payable to the National Archives and Records Administration.

In addition to these revisions which were contained in the proposed rule, NARA is modifying § 1250.34 to provide an address to which the public may write to request a copy of the FOIA index. Section 1250.34 currently provides only the address where the index is available for public inspection.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1250

Freedom of information.

For the reasons set forth in the preamble, Chapter XII of Title 36 is amended as follows:

PART 1250—PUBLIC AVAILABILITY OF NARA ADMINISTRATIVE RECORDS AND INFORMATIONAL MATERIALS

1. The authority citation for Part 1250 continues to read as follows:

Authority: 44 U.S.C. 2104(a); 5 U.S.C. 552.

2. Section 1250.34 is revised to read as follows:

§ 1250.34 Index.

NARA will maintain and make available for public inspection and copying current indexes regarding any matter issued, adopted, or promulgated after July 4, 1967, and described in § 1250.32. NARA will publish quarterly and make available copies of each index or supplement thereto. The index will be maintained for public inspection by the Office of Management and Administration, National Archives (NA), Washington, DC 20408. The public may write to the Program Policy and Evaluation Division, National Archives (NAA), Washington, DC 20408, to request a copy of the index.

3. Section 1250.38 is revised to read as follows:

§ 1250.38 Waiver or reduction of fees.

(a) Any request for waiver or reduction of a fee shall be included in the initial letter requesting access to NARA records under § 1250.54. The waiver or reduction request should explain how the information requested primarily benefits the public and why it is in the public interest for NARA to waive or reduce the fee.

(b) Documents shall be furnished without charge or at a reduced charge if NARA determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(c) If NARA denies a request for a waiver or reduction of a fee, the requester may appeal this denial, following the procedures in § 1250.58.

4. Section 1250.44 is revised to read as follows:

§ 1250.44 Form of payment.

Requesters shall pay fees by check or money order payable to: "National Archives and Records Administration", and addressed to the official named by NARA in its correspondence.

5. Section 1250.58 is amended by revising paragraph (b) to read as follows:

§ 1250.58 Appeal within NARA.

* * * * *

(b) The Deputy Archivist must receive an appeal no later than 35 calendar days after the date of the NARA letter of denial.

* * * * *

Dated: June 17, 1986.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 86–14582 Filed 6–26–86; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 62; FRL-3037-3]

Approval and Promulgation of Implementation Plans; Revision to the State of New Jersey Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency is approving a revision to the New Jersey State Implementation Plan (SIP) concerning a change made to Subchapter 18, the State's emission offset regulation. This change made by the State increases the "minimum offset ratios" required of new or altered sources that substantially increase their emissions of volatile organic compounds or nitrogen dioxide. The adoption of these new "minimum offset ratios" fulfills a commitment made by New Jersey in its ozone and carbon monoxide SIP. No action is being taken in this notice concerning other changes recently made to Subchapter 18.

EFFECTIVE DATE: This action will be effective August 26, 1986, unless notice is received by July 28, 1986. That someone wishes to submit adverse or critical comments.

ADDRESSES: All comments should be addressed to: Christopher J. Daggett, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC.

New Jersey Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, Trenton, New Jersey.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

On November 9, 1983 (48 FR 51472) the Environmental Protection Agency (EPA) approved the New Jersey State Implementation Plan (SIP) for attainment of the ozone and carbon monoxide national ambient air quality standards. As a part of its control strategy, the State committed in its SIP to develop additional control measures needed to attain the ozone standard. One of these was to revise the New Jersey emission offset regulation, Subchapter 18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule)" in order to obtain additional reductions in volatile organic compounds (VOCs).

An emission offset regulation requires new large sources, or existing sources which intend to substantially increase their emissions, to obtain emission reductions in order to compensate for their emission increases.

The two principal means by which an emission offset regulation can be revised to provide additional emission reductions are:

- By requiring additional (smaller) sources to obtain offsets, and
- By requiring sources affected by the regulation to obtain larger offsets.

This New Jersey SIP revision employs the latter of these two approaches.

The State Submittal

On April 22, 1985, the State of New Jersey sent EPA a request to revise its SIP. The primary purpose of this submission was to fulfill requirements necessary to complete the State's Lead SIP. (The adequacy of this submission as it relates to the Lead SIP is addressed in a separate **Federal Register** notice.) One of the regulations contained in the submission, Subchapter 18, also included changes the State committed to in its 1982 Ozone and Carbon Monoxide SIP. Today's action only discusses the adequacy and approvability of revisions to Subchapter 18 as they relate to fulfilling the control measure committed to in the Ozone and Carbon Monoxide SIP. A public hearing was held on this revision to Subchapter 18 on August 2, 1984. This revised regulation was adopted on January 10, 1985 and became effective on March 11, 1985.

The specific revision and the results of EPA's review of it are discussed as follows.

The State chose to achieve the additional emission reductions it committed to in its SIP by increasing the "minimum offset ratios" in Table 2, section 18.4(b) for those sources that emit VOCs and/or nitrogen dioxide (NO_2). Table 2 specifies the "minimum offset ratio" as a function of the distance between the source providing the offsets and the source needing the offsets. The original and revised ratios for VOCs and NO_2 are:

Distance between sources	Minimum offset ratio	
	Original	Revised
0–100 miles	1.0:1	2.0:1
100–250 miles	1.5:1	4.0:1
250–500 miles	2.0:1	6.0:1

These new "minimum offset ratios" will provide additional emission reductions, and are believed to reflect more realistically the impact on air quality of offsets obtained at greater distances from the new source. The State arrived at these new ratios by using results from EPA's Empirical Kinectic Modeling Approach (EKMA).

The "minimum offset ratio" required by the Clean Air Act must be greater than one-to-one. Since the new "minimum offset ratios" are substantially greater than one-to-one, they satisfy EPA's requirements. EPA also finds that the new "minimum offset ratios" contained in Table 2, section 18.4(b) fulfill the commitment contained in the 1982 New Jersey Ozone and Carbon Monoxide SIP.

It should be noted that Table 2, section 18.4(b), is the only part of revised Subchapter 18 which is being acted on today. Other sections have been treated in earlier **Federal Register** actions and still other sections will be addressed in future notices.

Conclusion

EPA is approving the revisions made to Table 2 of section 18.4(b) of Subchapter 18, as a part of the New Jersey SIP. Table 2 has been found to fulfill the commitment made by New Jersey in its Ozone plan.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

EPA is approving this SIP revision request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by annoucing a proposal of the action and establishing a comment period. (See 46 FR 44476 dated September 4, 1981 and 47 FR 27073 dated June 23, 1983).

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of publication. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2).).

List of Subjects in 40 CFR Part 52

Air Pollution Control Agency, Ozone, Incorporation by reference.

Note.—Incorporation by Reference of the State Implementation Plan of New Jersey was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 16, 1986.

Lee M. Thomas,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1570 is amended by adding new paragraph (c)(40) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

* * * * *

(40) A revision to the New Jersey State Implementation Plan for attainment and maintenance of the ozone standards was submitted on April 22, 1985 by the New Jersey Department of Environmental Protection.

(i) Incorporated by reference

(A) Table 2 in section 18.4(b) of N.J.A.C. 7:27–18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule)," effective March 11, 1985.

3. Section 52.1605 is amended by revising the entry for Subchapter 18 in the table as follows:

§ 52.1605 EPA—approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
*	*	*	*
Subchapter 18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality in Nonattainment Areas (Emission Offset Rule)" [except as noted regarding sections 18.1 and 18.2(e)(2)].	Sept. 8, 1980	Apr. 15, 1981, 40 FR 21996.	The definition of "significant emission increase," in section 18.1, is disapproved. Section 18.2(e)(1) is disapproved. Federally promulgated regulations (40 CFR 52.1578(c), published at 46 FR 21996 on April 15, 1981) are applicable.
Subchapter 18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule)" [only to the extent noted].	Mar. 11, 1985	June 27, 1986; 51 FR——.	The approval of this version of Subchapter 18 only relates to the review of major sources of lead, to the review of significant increases of lead emissions at major sources, and to Table 2 in section 18.4(b).
*	*	*	*

[FR Doc. 86–14549 Filed 6–26–86; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 52

[A–10–FRL 3039–1]

Approval and Promulgation of State Implementation Plan; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to rules for emission limits from dry material air conveying systems which use a cyclone or other mechanical separating device in the Eugene/Springfield Air Quality Management Area (AQMA). This action will change the emission standards from 0.12 kg/hour (0.26 lb/h) to 2.88 kg/day (6.24 lbs/day).

EFFECTIVE DATE: This action will be effective on August 26, 1986 unless notice is received before July 28, 1986 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30 day comment period on this action.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information, Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Air Programs Branch, (10A–85–13), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97204

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Ann Williamson, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–8633, FTS: 399–8633.

SUPPLEMENTAL INFORMATION:

I. Background

In June of 1981, Lane Regional Air Pollution Authority (LRAPA), a local agency, submitted to EPA a three phased control strategy for inclusion in the Oregon SIP. On April 12, 1982, EPA approved this revision to the Oregon SIP pursuant to the requirements of Part D of the Clean Air Act. Included in the strategy were control measures necessary to attain the ambient secondary total suspended particulate (TSP) standards by the end of 1987. In particular, Phase I consisted of implementing control measures which were RACT and designed to meet the secondary standards resulting in reduced particulate emissions from cyclones through control of industrial air conveying systems.

The necessary controls required to reach attainment were determined through the development of a three phase implementation program. Phase I consisted of requiring reasonably available control technology (RACT) on traditional sources of TSP. Phase II involved studies designed to identify additional strategies to reduce TSP concentrations. Finally Phase III involved the analysis, selection and adoption of all the strategies necessary to demonstrate attainment of the secondary TSP standards. In keeping with EPA's policy, Oregon's SIP consists of RACT on traditional sources and assessment studies or demonstration projects on nontraditional sources and assessment studies or demonstration projects on nontraditional sources with final control strategy development delayed until the studies and projects are complete.

Regulations regarding emission limits for air conveying systems were adopted as part of the approved SIP strategies for reaching attainment of the TSP standards. The emission standard, as written, requires compliance with both an annual and an hourly emission rate. The basis for the emission standard was to obtain emission reductions from existing large cyclones to achieve a calculated reduction in the ambient concentration of particulate matter. The annual emission rate was developed to help attain the annual ambient standard. The hourly emission rate, which is derived directly from the annual rate by dividing 1.1 tons/year by 8400 hours to equal 0.26 lb/hour, was developed to provide additional "short term" emission control. These emission standards apply to dry material air conveying systems having a baseline year emissions rate of 3 tons/year or more.

LRAPA received a request to review the hourly emission rate provision with the intent of shifting it to a daily emission rate. They determined that a revision to the Oregon SIP eliminating the hourly emission rate and replacing it with a daily emission rate was reasonable since the current regulations require RACT, and the change from a 1 hour to a 24 hour averaging would not affect the impact of these sources on the short term NAAQS.

EPA agrees that the shift to a daily emission rate will not interfere with

either the application of RACT or attainment and maintenance of the 24-hour NAAQS. EPA does not believe that any dry material air conveying system would need to apply tighter controls to meet the hourly rate than the new daily rate. Moreover, because the hourly rate was derived by simple division of the annual rate, rather than through modeling showing that the hourly limits is needed to attain and maintain the 24-hour NAAQS, it does not appear that dividing the annual rate to create instead a daily rate would interfere with attainment and maintenance of the daily standard.

The hourly emission limit cannot be administratively waived; therefore, a rule revision is necessary to effect a change in the requirement. The revision will change the emission limits as listed from 0.12 kg/hour (0.26 lb/h) to 2.88 kg/day (6.24 lbs/day).

II. Summary of Rulemaking Action

EPA is approving today the revisions to the Lane Regional Air Pollution Authority's regulations regarding emission limits for dry material air conveying systems in the Eugene/Springfield AQMA.

III. Procedural Review

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. § 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 26, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements.

Dated: June 23, 1986.

Lee M. Thomas,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

PART 40—[AMENDED]

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1970 is revised by adding paragraph (c)(73) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(73) Amendments to the Lane Regional Air Pollution Authority Rules for Air Conveying Systems (Title 32, section 800) were submitted by the State Department of Environmental Quality on May 6, 1985.

(i) Incorporation by Reference.

(A) Letter of May 6, 1985 to EPA from the Oregon Department of Environmental Quality, and Amendments to Title 32, section 800 of the Lane Regional Air Pollution Authority (LRAPA) as part of the Oregon State Implementation Plan. Revisions were approved at the LRAPA Board of Directors meeting on January 8, 1985, and approved by the Environmental Quality Commission on April 19, 1985.

[FR Doc. 86-14540 Filed 6-26-86; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Parts 60 and 61

Standard of Performance for New, Modified and Reconstructed Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule amendment.

SUMMARY: This document amends the address for the state air agency and a local air authority. These amendments reflect the change of location for these two agencies.

EFFECTIVE DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Laurie M. Kral, Environmental Protection Agency—Region 10, 1200 Sixth Avenue M/S 532, Seattle, Washington 98101, Telephone: (206) 442-0180, FTS: 399-0180.

SUPPLEMENTARY INFORMATION:

List of Subjects

40 CFR Part 60

Intergovernmental relations, Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, Zinc.

40 CFR Part 61

Intergovernmental relations, Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

Dated: May 15, 1986.

Ralph R. Bauer,

Acting Regional Administrator.

PART 60—[AMENDED]

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. The authority citation for Part 60 continues to read as follows:

Authority: Sec. 110(c) of the Clean Air Act, as amended (42 U.S.C. 7401–7642).

2. Section 60.4 is amended by revising paragraph (b)(MM) introductory text to read as follows:

§ 60.4 Address.

(b) * * *

(MM) State of Oregon Department of Environmental Quality, Yeon Building, 522 S.W. Fifth, Portland, Oregon 97204.

* * * * *

3. Section 60.4 is amended by revising paragraph (b)(MM)(ix) to read as follows:

§ 60.4 Address.

(b) * * *

(MM) * * *

(ix) Lane Regional Air Pollution Authority, 225 North Fifth, Suite 501, Springfield, Oregon 97477.

* * * * *

PART 61—[AMENDED]

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart A—General Provisions

1. The authority citation for Part 61 continues to read as follows:

Authority: Sec. 110(c) of the Clean Air Act, as amended (42 U.S.C. 7401–7642).

2. Section 61.4 is amended by revising paragraph (b)(MM) introductory text to read as follows:

§ 61.4 Address.

(b) * * *

(MM) State of Oregon Department of Environmental Quality, Yeon Building, 522 S.W. Fifth, Portland, Oregon 97204.

* * * * *

3. Section 61.4 is amended by revising paragraph (b)(MM)(viii) as follows:

§ 61.4 Address.

(b) * * *

(MM) * * *

(viii) Lane Regional Air Pollution Authority, 225 North Fifth, Suite 501, Springfield, Oregon 97477.

* * * * *

[FR Doc. 86–13029 Filed 6–26–86; 8:45 am]

BILLING CODE 6560–60–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-804; RM-4789, 4844]

Television Broadcasting Services; Sheridan and Casper, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reverses the assignment of VHF Television Channel 9 to Casper, Wyoming and assigns the channel to Sheridan, Wyoming, instead, as a third commercial TV channel. Channel 13 is assigned to Casper, as a second commercial VHF channel. Channel 13 requires a site restriction of 29.7 miles north of Casper. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 24, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket No. 84–804, adopted June 6, 1986, and released June 17, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

1. The authority citation for Part 73 continues to read:

Authority: 47 U.S.C. 154, 303.

2. Section 73.606(b) is amended by revising the following entries:

§ 73.606 Table of assignments.

* * * * *

(b) * * *

City	Channel No.
Casper, WY	2+, *6+, 13+, 14–, 20–
* * * *	* *
Sheridan, WY	7, 9+, 12+

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–14565 Filed 6–26–86; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

[Docket No. 60616–6116]

Fraser River Sockeye and Pink Salmon Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule and request for comment.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, issues an emergency interim rule to provide a framework for implementation of certain regulations of the Pacific Salmon Commission (Commission) and inseason orders of the Commission's Fraser River Panel (Panel) for the sockeye and pink salmon fishery in United States waters within the Panel Area. The rule establishes definitions and restrictions for both treaty Indian tribal and all-citizen fisheries for sockeye and pink salmon, and replaces regulations in this Part and in 25 CFR Part 249, Subpart B, which governed the fishery under the former International Pacific Salmon Fisheries Commission. The intended effect is conservation of sockeye and pink salmon by international agreement.

DATES: This rule is effective on June 22, 1986, until modified, superseded, or rescinded. Comments are due by September 22, 1986.

ADDRESS: Send comments to Mr. Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: R. A. Schmitten at 206–526–6150.

SUPPLEMENTARY INFORMATION: The Commission, under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985 (Treaty), has established its annual fishery regimes for the sockeye and pink salmon fishery in the Panel Area described in Annex II of the Treaty. These regimes have been approved by the U.S. Secretary of State and the Governor-General of Canada by Order-in-Council. The Secretary of Commerce (Secretary), in cooperation with the regional Fishery Management Councils, States, and treaty Indian tribes, has authority under the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3636(b) to promulgate regulations applicable to nationals and vessels of the United States which are in addition to, and not in conflict with, fishery regimes and Fraser River Panel regulations and inseason orders adopted under the Treaty. The following regulations were jointly developed under that authority for the U.S. portion of the Panel Area by NMFS, the State of Washington, and the nine affected treaty Indian tribes in cooperation with the Pacific Fishery Management Council.

These regulations establish definitions and general and special restrictions applicable to Indian and all-citizen fisheries in U.S. waters within the Panel Area. Specifically, they provide uniform gear definitions and definitions pertaining to the treaty Indian tribal fisheries; describe the relationship of the sockeye and pink salmon fishery to laws covering other fisheries, including reporting requirements; provide general restrictions on times, areas, and methods of fishing; provide for management of subsistence, ceremonial, and recreational fisheries by the tribes and State; establish fishing gear restrictions; require treaty Indian identification; describe the circumstances under which a treaty Indian may be assisted while fishing; incorporate a standard "Facilitation of enforcement" section; describe penalties that may be imposed for violations, including a statement of policy regarding referral of treaty Indian violations for tribal prosecutions; and describe the

methods by which inseason orders of the Fraser River Panel adjusting fishing times and areas will be adopted and communicated by the Secretary.

The policy regarding referral of treaty Indian violations for tribal prosecutions contained in § 371.9(a) of this rule states that any treaty Indian who commits any act that is unlawful under this part normally will be referred to the applicable tribe for prosecution and punishment, and that if the tribe fails to prosecute in a diligent manner, or if other good cause exists, the treaty Indian may be subject to Federal civil or criminal penalties or civil forfeitures. This policy is intended to allow the Office of General Counsel, NOAA, which has delegated authority from the Secretary to make prosecutorial decisions under the Act, to determine the appropriate jurisdiction(s) to prosecute a particular case. While cases under the Act and this part involving treaty Indians will normally be referred to the appropriate tribe, without additional Federal action, it is recognized that situations may occur where referrals would be inappropriate or concurrent prosecutions would be warranted. Examples include criminal offenses under § 371.9(c); cases involving jurisdictional issues; absence of an applicable tribal regulation; egregious violations which a tribe may lack adequate sanctions to remedy; or, following a referral, a tribe's failure to prosecute diligently a documented offense or a tribal court's failure to impose an adequate penalty.

These regulations replace those for the all-citizen fishery issued by the International Pacific Salmon Fisheries Commission at 50 CFR Part 371 and regulations for the treaty Indian tribal fishery promulgated by the Department of the Interior at 25 CFR Part 249, Subpart B, which will be repealed by a separate **Federal Register** notice of the Department of the Interior.

These regulations are effective on June 22, 1986, when the Commission is to assume control of the sockeye and pink salmon fisheries in the Panel Area. These regulations ensure a comprehensive, uniform domestic regulatory mechanism to satisfy U.S. obligations under the Treaty and provide for coordinated management and enforcement in the fishery. All affected jurisdictions participated in developing the regulations and have agreed to their contents. The Pacific Fishery Management Council has been consulted and has concurred in these regulations. Because it is necessary to implement the regulations without prior public comment and without delaying their effectiveness, an extended post-publication comment period of 90 days is being provided. This period will enable the affected parties to evaluate the regulations as they actually operate during this first season and make informed suggestions for revisions before the end of the comment period.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and is consistent with the Act and other applicable law, including U.S. obligations to Canada and to U.S. treaty Indians.

Without emergency adoption of these regulations, no domestic regulatory framework would exist to inform the public of actions taken by the Commission or to execute changes in fishing times or areas that are ordered by the Panel. Accordingly, the Assistant Administrator finds there is good cause to promulgate these regulations on an expedited basis and that it is impracticable and contrary to the public interest to require prior notice and public comment, or to delay the effective date of the regulations, under the provisions of section 553(b) and (d) of the Administrative Procedure Act. Public comment is invited for 90 days following publication which will enable affected persons to evaluate their actual operation. This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the procedures of that order. In addition, NMFS has determined that this rule is not a major rule within the terms of E.O. 12291 because it will not have a major effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions. This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comments.

The implementation of these regulations for the treaty Indian and all-citizen fisheries is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act.

This rule does not contain any collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 371

Fisheries, Fishing.

Dated June 24, 1986.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Chapter III, Subchapter C, consisting of Part 371, is revised as follows:

SUBCHAPTER C—PACIFIC SALMON COMMISSION

PART 371—FRASER RIVER SOCKEYE AND PINK SALMON FISHERIES

Subpart A—General Provisions

Sec.

Subpart B—Management Measures

Sec.

Authority: Pacific Salmon Treaty Act, 16 U.S.C. 3636(b).

Subpart A—General Provisions

§ 371.1 Purpose and scope.

This part applies to all fishing for Fraser River sockeye and pink salmon and related activities conducted by nationals and vessels of the United States in U.S. waters within the Fraser River Panel Area during the times the Pacific Salmon Commission exercises jurisdiction over these fisheries. It is promulgated in cooperation with the Pacific Fishery Management Council, the State of Washington, and treaty Indian tribes, and is in addition to and not in conflict with the fishery regimes and Fraser River Panel regulations adopted under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

§ 371.2 Definitions.

Act means the Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631–3644.

All-citizen means any person who is not a treaty Indian fishing in that treaty Indian's tribal treaty fishing places pursuant to treaty Indian tribal fishing regulations (whether in compliance with such regulations or not).

Authorized Officer means—

(a) Any commissioned, warrant, or petty officer of the Coast Guard;

(b) Any special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any federal or state agency which has entered into an agreement with the Secretary of Commerce and the Secretary of Transportation to enforce the Act;

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

(e) Any State, Federal, or other officer as may be authorized by the Secretary of Commerce in writing, including any treaty Indian tribal enforcement officer authorized to enforce tribal fishing regulations.

Commission means the Pacific Salmon Commission established by the Pacific Salmon Treaty.

Consistent regulation or consistent order means any Federal, State, or treaty Indian tribal regulation or order which is in addition to and not in conflict with (at least as restrictive as) any regime of the Commission, Fraser River Panel regulation, inseason order of the Secretary, or these regulations.

Fishing means—

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations on the water in support of, or in preparation for, any activity described in paragraph (a) through (c) of this definition.

Fishing gear—

(a) *Gill net* means a fishing net of single web construction, not anchored, tied, staked, placed, or weighted in such a manner that it cannot drift.

(b) *Purse seine* means all types of fishing gear consisting of a lead line, cork line, auxiliary lines, purse line and purse rings and of mesh net webbing fashioned in such a manner that it is used to encircle fish, and in addition prevent their escape under the bottom or lead line of the net by drawing in the bottom of the net by means of the purse line so that it forms a closed bag.

(c) *Reef net* means a non-self-fishing open bunt square or rectangular section of mesh netting suspended between two anchored boats fashioned in such a manner that to impound salmon passing over the net, the net must be raised to the surface.

(d) *Troll fishing gear* means one or more lines that drag hooks with bait or lures behind a moving fishing vessel.

(e) *Treaty Indian fishing gear* means fishing gear defined authorized, and identified under treaty Indian tribal laws and regulations in accordance with the requirements of Final Decision No. 1 and subsequent orders in *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974).

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(a) Fishing; or

(b) Aiding or assisting one or more vessels in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Fraser River Panel means the Fraser River Panel established by the Pacific Salmon Treaty.

Fraser River Panel Area (U.S.) means the United States' portion of the Fraser River Panel Area specified in Annex II of the Treaty as follows:

(a) The territorial water and the high seas westward from the western coast of Canada and the United States of America and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse of Tatoosh Island, Washington—which line marks the entrance of Juan de Fuca Strait—and embraced between 48° and 49° north latitude, excepting therefrom, however, all the waters of Barkley Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

(b) The waters included within the following boundaries: Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph (a) above, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Whidbey Island thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway (Burlington Northern Railroad), thence northerly following the shoreline of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, then westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shoreline to Welcome Point on Sechelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island, to the starting point at Bonilla Point, as shown on the British Admiralty Chart Number 579, and on the United States Coast and Geodetic Survey Chart Number 6300, as corrected to March 14, 1930, copies of which are annexed to the 1930 Convention between Canada and the United States of America for Protection, Preservation, and Extension of the Sockeye Salmon Fishery in the Fraser River System as amended, signed May 26, 1930. [Note: United States Coast and Geodetic Survey Chart Number 6300 has been replaced and updated by NOAA Chart Number 18400.]

(c) The Fraser River and the streams and lakes tributary thereto.

(d) The Fraser River Panel Area (U.S.) includes Puget Sound Management and Catch Reporting Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 7D, and 7E as defined in the Washington State Administrative Code at Chapter 220-22 as of the effective date of this part.

Fraser River Panel regulations means regulations applicable to the Fraser River Panel Area which are recommended by the Commission (on the basis of proposals made by the Fraser River Panel) and approved by the Secretary of State.

Magnuson Act means the Magnuson Fishery Conservation and Management Act at 16 U.S.C. 1801 *et seq.*

Mesh size means the distance between the inside of one knot to the outside of the opposite (vertical) knot in one mesh of a net.

Pacific Salmon Treaty means the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985, Treaty Doc. 99-2, 99th Cong. 1st Sess.

Person means any individual (whether or not a citizen or national of the United States), including treaty Indians, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

Pink salmon means the species of salmon known by the scientific name *Oncorhynchus gorbuscha*.

Secretary means the Secretary of Commerce or a designee.

Sockeye salmon means the anadromous form of the species of

salmon known by the scientific name *Oncorhynchus nerka*.

Treaty fishing places (of an Indian tribe) means locations within the Fraser River Panel Area (U.S.) as determined in or in accordance with Final Decision No. 1 and subsequent orders in *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), to be places at which that treaty Indian tribe may take fish under rights secured by treaty with the United States.

Treaty Indian means any member of a treaty Indian tribe whose treaty fishing place is in the Fraser River Panel Area (U.S.) or any assistant to a treaty Indian authorized to assist in accordance with § 371.7(d).

Treaty Indian tribe means any of the federally recognized Indian tribes of the State of Washington having fishing rights secured by treaty with the United States to fish for salmon stocks subject to the Pacific Salmon Treaty in treaty fishing places within the Fraser River Panel Area (U.S.). Currently these tribes are the Makah, Tribe, Lower Elwha Klallam Tribe, Port Gamble Klallam Tribe, Jamestown Klallam Tribe, Suquamish Tribe, Lummi Tribe, Nooksack Tribe, the Swinomish Indian Tribal Community, and the Tulalip Tribe.

§ 371.3 Relation to other laws.

(a) Insofar as they are consistent with this part, any other applicable Federal law or regulation, or any applicable law and regulations of the State of Washington or of a treaty Indian tribe with treaty fishing rights in the Fraser River Panel Area (U.S.) will continue to have force and effect in the Fraser River Panel Area (U.S.) with respect to fishing activities addressed herein.

(b) Any person fishing subject to this part is bound by the international boundaries now recognized by the United States within the Fraser River Panel Area (U.S.) described in § 371.2 of this part, notwithstanding any dispute or negotiation between the United States and Canada regarding their respective jurisdictions, until such time as different boundaries are published by the United States.

(c) Any person fishing in the Fraser River Panel Area (U.S.) who also fishes for groundfish in the U.S. fishery conservation zone (as defined in 16 U.S.C. 1811) should consult Federal regulations at 50 CFR Part 663 for applicable requirements of that part, including the requirement that vessels engaged in commercial fishing for groundfish (except commercial passenger vessels) have vessel identification in accordance with § 663.6 of that part. Federal regulations governing salmon fishing in the U.S. fishery conservation zone, which includes a portion of the Fraser River Panel Area (U.S.), are at 50 CFR Part 661. (Annual regulatory modifications are published in the **Federal Register**.)

(d) Except as otherwise provided in this part, general provisions governing off-reservation fishing by treaty Indians are found at 25 CFR Part 249, Subpart A. Additional general and specific provisions governing treaty Indian fisheries are found in regulations and laws promulgated by each treaty Indian tribe for fishermen fishing pursuant to tribal authorization.

(e) Nothing in this part relieves a person from any other applicable requirements lawfully imposed by the United States, the State of Washington, or a treaty Indian tribe.

§ 371.4 Reporting requirements.

Any person fishing for sockeye or pink salmon within the Fraser River Panel Area (U.S.) and any person receiving or purchasing fish caught by such persons are subject to State of Washington reporting requirements at Washington Administrative Code, Chapter 220 –69. Treaty Indian fishermen are subject also to tribal reporting requirements. No separate Federal reports are required.

§ 371.5 General restrictions.

(a) In addition to the prohibited acts set forth in the Act at 16 U.S.C. 3637(a), the following restrictions apply to sockeye and pink salmon fishing in the Fraser River Panel Area (U.S.):

(1) The Fraser River Panel Area (U.S.) is closed to sockeye and pink salmon fishing unless opened by Fraser River Panel regulations or by inseason orders of the Secretary issued under § 371.21 that give effect to orders of the Fraser River Panel, unless such orders are determined not to be consistent with domestic legal obligations. Such regulations and inseason orders may be further implemented by regulations promulgated by the United States, the State of Washington, or any treaty Indian tribe, which are also consistent with domestic legal obligations.

(2) It is unlawful for any person or fishing vessel subject to the jurisdiction of the United States to fish for, or take and retain, any sockeye or pink salmon:

(i) Except during times or in areas that are opened by Fraser River Panel regulations or by inseason order of the Secretary, except that this provision will not prohibit the direct transport of legally-caught sockeye or pink salmon to offloading areas;

(ii) By means of gear or methods not authorized by Fraser River Panel regulations, inseason orders of the Secretary, or other applicable Federal, State, or treaty Indian tribal law;

(iii) In violation of any applicable area, season, species, zone, gear, or mesh size restriction.

(b) It is unlawful for any person or fishing vessel subject to the jurisdiction of the United States to—

(1) Remove the head of any sockeye or pink salmon caught in the Fraser River Panel Area (U.S.), or possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin to indicate that a coded wire tag has been inplanted in the head of the fish;

(2) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Act; or

(3) Fail to permit an authorized officer to inspect a record or report required by the State of Washington or treaty Indian tribal authority, or to inspect a fish landing, holding, storage, or processing area under the person's control;

(c) Notwithstanding paragraph (a) of this section, nothing in this part will be construed to prohibit the retention of sockeye or pink salmon caught by any person while lawfully engaged in a fishery for subsistence or ceremonial purposes pursuant to treaty Indian tribal regulations, for recreational purposes pursuant to recreational fishing regulations promulgated by the State of Washington, or as otherwise authorized by treaty Indian tribal or State of Washington law or regulation, provided that such treaty Indian tribal or State regulation is consistent with U.S.-approved Commission fishery regimes, Fraser River Panel regulations, or inseason orders of the Secretary applicable to fishing in the Fraser River Panel Area (U.S.).

§ 371.6 Fishing gear restrictions.

The following types of fishing gear are authorized, subject to the restrictions set forth in this part and according to the times and areas established by Fraser River Panel regulations or inseason orders of the Secretary:

(a) All citizens: Gill net, purse seine, reef net, and troll fishing gear. Specific restrictions, on all citizens gear are contained in the Washington State Administrative Code of Chapter 220–47.

(b) Treaty Indians: Treaty Indian fishing gear.

§ 371.7 Treaty Indian Fisheries.

(a) Any treaty Indian must comply with this section when fishing for sockeye and pink salmon at the treaty Indian tribe's treaty fishing places in the

Fraser River Panel Area (U.S.) during the time the Commission or the Secretary exercises jurisdiction over these fisheries. Fishing by a treaty Indian outside the applicable Indian tribe's treaty fishing places will be subject to the Fraser River Panel regulations and inseason orders of the Secretary applicable to all citizens, as well as to the restrictions set forth in this section.

(b) Nothing in this section will relieve a treaty Indian from any applicable law or regulation imposed by a treaty Indian tribe, or from requirements lawfully imposed by the United States or the State of Washington in accordance with the requirements of Final Decision No. 1 and subsequent orders in *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974).

(c) *Identification.* (1) Any treaty Indian fishing under the authority of this subpart must have in his or her possession at all times while fishing or engaged in any activity related to fishing the treaty Indian identification required by 25 CFR 249.3 or by applicable tribal law.

(2) Any person assisting a treaty Indian under the authority of paragraph (d) of this section must have in his or her possession at all such times a valid identification card issued by the Bureau of Indian Affairs or by a treaty Indian tribe, identifying the holder as a person qualified to assist a treaty Indian. The identification card must include the name of the issuing tribe, the name, address, date of birth, and photograph of the assistant, and the name and identification number of the treaty Indian whom the assistant is authorized to assist.

(3) Identification described in paragraph (1) or (2) must be shown on demand to an authorized officer by the treaty Indian or authorized assistant.

(4) Any treaty Indian fishing under this subpart must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974).

(d) *Fishing assistance.* (1) Any member of a treaty Indian tribe fishing under this subpart may, if authorized by the treaty Indian's tribe, receive fishing assistance from and only from the treaty Indian tribal member's spouse, forebears, children, grandchildren, and siblings, as authorized by the U.S. District Court for the Western District of Washington in *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974). For purposes of this section, the treaty Indian tribal member whom the assistant is authorized to assist must be present aboard the fishing vessel at all times while engaged in the exercise of treaty Indian fishing rights subject to this part.

(2) No treaty Indian may, while fishing at a treaty fishing place in accordance with treaty-secured fishing rights, permit any person 16 years of age or older other than the authorized holder of a currently valid identification card issued in accordance with the requirements of paragraphs (c)(1) and (c)(2) of this section to fish for said treaty Indian, assist said treaty Indian in fishing, or use any gear or fishing location identified as said treaty Indian's gear or location.

(3) Treaty Indians are prohibited from paricipating in a treaty Indian fishery under this section at any time persons who are not treaty Indians are aboard the fishing vessel or in contact with fishing gear operated from the fishing vessel, unless such persons are authorized employees or officers of a treaty Indian tribe or tribal fisheries management organization, the Northwest Indian Fisheries Commission, the Pacific Salmon Commission, or a fisheries management agency of the United States or the State of Washington.

§ 371.8 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF–FM or high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. U.S. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop the vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF–FM, if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and the boarding party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and the boarding party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (.– .–)[1] is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY–CY" (.–. –.– – –.–. –.– –) means "You should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or,

[1] Period (.) means a short flash of light. Dash (–) means a long flash of light.

in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... --.- ...--) means "You should stop or heave to; I am going to board you."

(4) "L" (.-..) means "You should stop your vessel instantly."

§ 371.9 Penalties.

(a) Any treaty Indian who commits any act that is unlawful under this part normally will be referred to the applicable tribe for prosecution and punishment. If such tribe fails to prosecute such persons in a diligent manner for the offense(s) referred to the tribe, or if other good cause exists, such treaty Indian may be subject to the penalties described in paragraphs (b), (c), (d), or (e) of this section.

(b) Any person who commits any act that is unlawful under this part will be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) Any person who commits an act that is unlawful under paragraphs (2), (3), (4), or (6) of the Act at 16 U.S.C. 3637(a) will be guilty of an offense punishable as provided by section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act which is prohibited under the Act at 16 U.S.C. 3637(a) and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act which is prohibited by the Act at 16 U.S.C. 3637(a) will be subject to forfeiture as provided by section 310 of the Magnuson Act (16 U.S.C. 1860).

(e) Any fish seized pursuant to the Act or these regulations may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulation of the Secretary.

Subpart B—Management Measures

§ 371.20 Annual actions.

(a) Violation of Fraser River Panel regulations is unlawful under the Act.

(b) Geographic descriptions of Puget Sound Salmon Management and Catch Reporting Areas, which are referenced in the Commission's regimes, Fraser River Panel regulations, and in inseason orders of the Secretary, are found in the Washington State Administrative Code at Chapter 220–22.

§ 371.21 Inseason orders.

(a) During the fishing season, the Secretary may issue orders that establish fishing times and areas consistent with the annual Commission regime and inseason orders of the Fraser River Panel. Inseason orders of the Secretary will be consistent with domestic legal obligations. Violation of such inseason orders is violation of this Part.

(b) *Notice of inseason orders.* (1) Official notice of such inseason orders issued by the Secretary is available from the National Marine Fisheries Service (for orders applicable to all-citizen fisheries) and from the Northwest Indian Fisheries Commission (for orders applicable to treaty Indian fisheries) through the following Area Code 206 toll-free telephone hotlines:

All-citizen fisheries: 1–800–562–6513
Treaty Indian fisheries: 1–800–562–6142

(2) Notice of inseason orders of the Secretary and other applicable tribal regulations may be published and released according to tribal procedures in accordance with Final Decision No. 1 and subsequent orders in *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974).

(3) Inseason orders may also be communicated through news releases to radio and television stations and newspapers in the Fraser River Panel Area (U.S.).

(4) Inseason orders of the Secretary will also be published in the **Federal Register** as soon as practicable after they are issued.

(c) *Effective dates.* Inseason orders of the Secretary are effective during the times stated therein.

[FR Doc. 86–14553 Filed 6–24–86; 3:05 pm]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 51, No. 124
Friday, June 27, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

Breakout Procurement Center Representative Program

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The SBA proposes to issue regulations governing the Breakout Procurement Center Representative Program at Federal Government procurement centers. These regulations implement the passage of the Small Business and Federal Procurement Competition Enhancement Act of 1984 which authorized the placement of SBA Breakout Procurement Center Representative at major procurement centers. The purpose of these regulations is to advise Government personnel of the division of responsibilities that must be performed to implement the law.

DATE: Submit written comments by July 28, 1986.

ADDRESS: Comments may be addressed to Roy Rodgers, Director, Office of Prime Contracts, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Scott Denniston, (202) 653–6485.

SUPPLEMENTARY INFORMATION: The Small Business Act, as amended by section 403 of Pub. L. 98–577, authorized the Breakout Procurement Center Representative Program. The program was established in response to growing concern regarding the expense to the Government of sole source contracts, particularly Defense contracts. The Small Business Administrative (SBA) is authorized to station Breakout Procurement Center Representatives (Breakout PCRs) at procurement centers of the Department of Defense (DOD) that awarded contracts for non-commercial items totalling at least $150 million in the preceding fiscal year. Breakout PCRs may also be assigned to other procurement centers as designated by the Administrator of SBA. The primary role of Breakout PCRs is to act as advocates for the breakout of items for procurement through full and open competition, while maintaining the quality and integrity of the major system in which such items are used. They also advocate the use of full and open competition for the procurement of supplies and services at the centers at which they are located.

The SBA is required to assign a Breakout PCR together with two technical advisors to each major procurement center. These SBA employees must be fully qualified, technically trained and familiar with the supplies and services procured by the center to which they are assigned. Each Breakout PCR and at least one technical advisor at each center must be accredited engineers. The administrative support that DOD has agreed to provide to SBA employees is covered in an Administrative Support Agreement (Agreement) between the two agencies, effective October 1, 1985. The DOD will provide physical space, furniture and equipment, utilities and clerical support according to the provisions of the Agreement, which also covers reimbursement to the DOD by SBA for costs incurred in providing the agreed upon support. The provisions of the Agreement will also apply to Traditional PCRs assigned to DOD procurement centers by SBA. Traditional PCRs are assigned to procurement centers by SBA for the primary purpose of reviewing procurements to identify those most appropriate for small business set-asides.

The effectiveness of the Breakout PCR Program will be measured on the basis of standards jointly established by the Administrator of the SBA and the Comptroller General of the United States. The extent to which competition has been increased through the efforts of the Breakout PCRs will be measured by the number of items broken out, the dollar value of savings resulting from breakout, and the dollar value of contracts awarded after breakout. The Administrator of the SBA will prepare and submit and Annual Report to Congress that delineates the cost savings achieved by Breakout PCRs and evaluates the extent to which competition has been increased as a result of their efforts.

Breakout PCRs fulfill their objective of increasing the number of items purchased through full and open competition by actively participating in provisioning conferences and similar evaluation sessions at their locations during which the center determines how certain requirements will be purchased. Breakout PCRs analyze Acquisition Methods Codes (AMC) that indicate restrictions on competition in the procurement of specific items. The best example of this is an item that is coded sole source and would be automatically reordered from the original vendor. Breakout PCRs review any such restrictions to determine their validity.

Restrictions on competition often arise when there is not sufficient technical data for other potential sources to prepare a competitive solicitation package. Breakout PCRs review restrictions on the rights of the United States to technical data necessary to produce items sold to the Government, and collect unrestricted technical data for items proviously purchased noncompetitively due to the unavailability of data.

Companies or individuals with engineering proposals that they believe will result in lower costs to the Government may forward these proposals to a Breakout PCR who will analyze the material and forward it to the appropriate personnel of the procurement center with his/her recommendations. Breakout PCRs protect the interests of small businesses that wish to bid on Government contracts by ensuring their access to unrestricted technical data and ensuring that prequalification requirements imposed by the procurement center are not excessive or beyond the capability of potential bidders. Breakout PCRs identify qualified small business sources for the procurement center assist potential bidders with technical problems relating to the development of competitive bids.

Breakout PCRs are authorized to appeal unfavorable decisions made by the procurement center regarding any of their recomendations. Appeals must be made within five working days of receipt of a nagative response and the Commander of the appropriate procurement center must decide the appeal within 30 calendar days of its receipt. SBA may make a final appeal of a nagative decision by the Commander

to the appropriate service Secretary within 15 working days of receipt of the nagative response.

SBA certifies that this proposed rule, if promulgated in final form, will not have a significant adverse economic impact on a substantial number of small entities within the meaning of the Regulation Flexibility Act, 5 U.S.C. 601 *et seq.*The regulations would effect directly only DOD procurement personnel and no outside entities, large or small. The purpose of the Breakout Program is to review items previously obtained from a sole source and determined their suitability for full and open competition. Once it is determined that an acquisition will be open to competition, both small and large businesses are eligible to compete for the award. While breakout will increase participation of all businesses in Federal procurement, we cannot predict to what degree breakout will increase small business participation in Defense procurement.

If adopted in final form, these proposed regulations would constitute a major rule under Executive Order 12291 as they would result in annual savings to the Government and the taxpayers in excess of $100 million. In Fiscal Year 1985, Breakout PCRs at eight DOD locations achieved savings of $148 million through breakout. SBA has to date placed 27 Breakout PCRs at DOD procurement centers at a total cost of $6.6 million, for a net benefit of $141.4 million. As these Breakout PCRs achieve their full potential, breakout savings will multiply accordingly.

In addition to the monetary savings to the Government, other benefits derived from the Breakout Program include:

1. Expansion of the Defense Industrial Base;

2. Shorter production leadtimes;

3. Disbursement of Federal procurement dollars over a broader geographical base; and

4. Access to the technological innovations of a wider industrial base.

Through the passage of Pub. L. 98–577, the Congress selected the SBA's Breakout PCR Program as the best available alternative for achieving their desired objective.

Pursuant to the Paperwork Reduction Act of 1980, this regulation would not impose additional recordkeeping or reporting requirements.

List of Subjects in 13 CFR Part 125

Procurement assistance, Certificate of competency, Contract assistance, Subcontracting assistance, Technology assistance.

Part 125—[AMENDED]

1. The authority citation for Part 125 is revised to read as follows:

Authority: Secs. 8 and 15 of the Small Business Act, 72 Stat. 384, as amended (15 U.S.C. 631). Subparts B and C also issued under secs. 5(b) and 21 of the Small Business Act (15 U.S.C. 634(b) and 648).

2. Sections 125.1 through 125.10 are redesignated as Subpart A, which is entitled as follows:

Subpart A—Procurement Center Representative Program

3. New Subparts B and C are added to Part 125 to read as follows:

Subpart B—Breakout Program Regulations

Sec.

Subpart C—Traditional Procurement Center Representative Program Regulations

Subpart B—Breakout Program Regulations

§ 125.20 Introduction.

The Breakout Procurement Center Representative Program is authorized under section 15k of the Small Business Act as amended by section 403 of Pub. L. 98–577 (15 U.S.C. 644(k)). A Breakout Procurement Center Representative (Breakout PCR) shall be an advocate for the breakout of items for procurement through full and open competition, while maintaining the integrity of the major system in which such items are used. A Breakout PCR shall also advocate the use of full and open competition for the procurement of supplies and services at the center at which he/she is located. SBA is authorized to station Breakout PCRs at major procurement centers of the Government. SBA Breakout PCRs accomplish their mission in coordination with the Competition Advocates, Small Business Specialists, Technical Directors and Commanders assigned to major procurement centers.

§ 125.21 Definitions.

(a) *Breakout Procurement Center Representative.* An SBA employee assigned to a major procurement center for the primary purpose of acting as an advocate for the breakout of items for procurement through full and open competition.

(b) *Traditional Procurement Center Representative.* An SBA employee assigned to a procurement center for the primary purpose of reviewing procurements to identify those that are appropriate for small business set-asides.

(c) *Technical Advisor.* An SBA advisor colocated with a Breakout PCR whose sole duty shall be to advise and assist the Breakout PCR for the center to which such advisors are assigned in carrying out the functions described in this Part.

(d) *SBA Representatives.* SBA employees who serve as Breakout PCRs, Traditional PCRs, or Technical Advisors.

(e) *Major Procurement Center.* Procurement Centers of the Department of Defense that awarded contracts for items other than commercial items totalling at least $150 million in the preceding fiscal year and such other procurement centers as designated by the Administrator of SBA.

(f) *Technical Data.* Recorded information, regardless of the form or method of the recording, of a scientific or technical nature (including computer software documentation) relating to supplies procured by the agency. Such term does not include computer software or financial administrative cost or pricing, or management data or other information incidental to contract administration.

(g) *Item, Item of Supply, or Supplies.* Any individual part, component, subassembly, assembly or subsystem integral to a major system as defined by the Small Business and Federal Procurement Competition Enhancement Act of 1984, Pub. L. 98–577, section 102, 98 Stat. 3067, and other property which may be replaced during the service life of the system, including spare parts and replenishment spare parts, but not including packaging or labeling associated with shipment or identification of an item.

(h) *Department of Defense (DOD) Counterparts.* Competition Advocates are the DOD counterparts to Breakout PCRs; Small Business Advisors are DOD counterparts to Traditional PCRs.

§ 125.22 SBA responsibilities.

(a) The SBA, under section 15(1) of the Small Business Act (15 U.S.C. 644(1)), is required to assign and collocate a Breakout PCR and two technical advisors to each major procurement center.

(1) The Breakout PCR and technical advisors shall be full-time employees of the SBA, and shall be fully qualified, technically trained, and familiar with the supplies and services procured by

the major procurement center to which they are assigned.

(2) Each Breakout PCR and at least one technical advisor assigned to a Breakout PCR, shall be accredited engineers.

(b) The Administrator of the SBA and the Comptroller General of the United States, as authorized by section 403(b) of Pub. L. 98–577 (15 U.S.C. 644), have jointly established measures for determining cost savings and the extent to which competition has been increased through the efforts of the Breakout PCR. These measures are:

(1) Number of items broken out;

(2) Dollar value of savings resulting from breakout; and

(3) Dollar value of contracts awarded after breakout.

(c) The Administrator shall annually prepare and submit to Congress a report covering:

(1) The cost savings achieved through the efforts of Breakout PCRs during the year covered by such report;

(2) An evaluation of the extent to which competition has been increased as a result of such efforts; and

(3) Such other information as the Administrator may deem appropriate.

§ 125.23 Procurement center responsibilities.

(a) Pursuant to the Administrative Support Agreement between the Department of Defense and SBA, effective October 1, 1985, procurement centers are required to provide SBA representatives with:

(1) Physical space substantially the same as the physical space provided to their DOD counterparts and, to the maximum practical extent, adjacent to their DOD counterparts;

(2) Furniture and equipment necessary for the conduct of SBA representatives' work at DOD procurement centers;

(3) Utilities, supplies and administrative services furnished in accordance with the procedures established by the procurement center;

(4) Clerical support, as negotiated between the Commander of the installation and the SBA Regional Administrator, except at centers where SBA assigns one Breakout PCR and two technical advisors. In these instances, SBA will provide clerical support.

(b) Costs incurred by procurement centers in providing administrative support, facilities, equipment and services in support of SBA representatives will be reimbursed by SBA in accordance with the Administrative Support Agreement.

(c) The procurement center shall provide SBA representatives access to all appropriate procurement and other related technical data, in order for them to fulfill their mission, up to the limits of their security clearance.

§ 125.24 Breakout PCR responsibilities.

In addition to carrying out the responsibilities assigned by the Administration, a Breakout PCR is authorized to:

(a) Attend any provisioning conference or similar evaluation session, during which determinations are made as to whether requirements are to be procured through other than full and open competition, and make recommendations with respect to such requirements to the members of such conference or session;

(b) Review, at any time, restrictions on competition previously imposed on items through Acquisition Method Coding (AMC) or similar procedures, and recommend to personnel of the procurement center the prompt reevaluation of such limitations;

(c) Review restrictions on competition arising out of restrictions on the rights of the United States to technical data, and, when appropriate, recommend review of the validity of such asserted restrictions;

(d) Obtain from any Government source, and make available to personnel of the procurement center, unrestricted technical data necessary for the preparation of the competitive soliciation package for any item of supply or service previously procured noncompetitively due to the unavailability of such unrestricted technical data;

(e) Receive unsolicited engineering proposals and, when appropriate:

(1) Analyze such proposals to determine whether, if adopted, they will result in lower cost to the United States while maintaining the quality of the item being purchased, and forward to personnel of the procurement center recommendations with respect to such proposals; or

(2) Forward such proposals, without analysis, to personnel of the activity responsible for reviewing such proposals and who shall furnish the Breakout PCR with information regarding the disposition of any proposal.

(f) Review the systems that account for the acquisition and management of technical data within the procurement center to ensure that such systems provide the maximum allowable availability of and access to data needed for the preparation of offers to sell supplies to the United States;

(g) Review prequalification requirements imposed by the procurement center on potential bidders and make recommendations to the center on those prequalification requirements deemed to be excessive;

(h) Identify qualified small business sources to the procurement center; and

(i) Assist potential bidders with technical problems relating to the development of bids.

§ 125.25 Reponses to Recommendations

Appropriate DOD employees shall respond in writing to the recommendation(s) of the Breakout PCR or Technical Advisor within 30 calendar days of receipt of such recommendation(s) unless both parties mutually agree to a longer response period.

§ 125.26 Appeal process.

(a) A Breakout PCR is authorized to appeal to failure to act favorably on any recommendation made in accordance with the responsibilities described herein. Such appeal must be made within five working days of receipt of a negative response.

(b) Such appeal shall be in writing, specifically reciting both the circumstances of the appeal and the basis for the recommendation. The appeal shall be decided in writing by the Commander of the appropriate procurement center within 30 calendar days of its receipt.

(c) SBA may make final appeal of a negative decision by the Commander to the appropriate service Secretary within 15 working days of receipt of the negative response.

Subpart C—Traditional Procurement Center Representative Program Regulations

§ 125.30 Traditional procurement center representative.

The *Procurement Center Responsibilities* section of these regulations (§ 125.23 of Subpart B) also applies to SBA Traditional Procurement Center Representatives (PCRs), who are authorized under section 15(1) of the Small Business Act (15 U.S.C. 644(1)) to review procurements for the purpose of identifying those that are appropriate for small business set-asides.

Dated: June 20, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86–14577 Filed 6–26–86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-ANM-20]

Proposed Alteration of Medford, Oregon, Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to redefine the current geographical boundaries of the Medford, Oregon, Control Zone and 700 foot transition area. This action is necessary to ensure aircraft operating under Instrument Flight Rules would have exclusive use of that airspace when visibility is less than 3 miles, thereby, enhancing the safety of such operations.

DATES: Comments must be received on or before August 3, 1986.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 86-ANM-20, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Office of Regional Counsel at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM-534, Federal Aviation Administration, Docket No. 86-ANM-20, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2534.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-ANM-20". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any peson may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & System Management Branch, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 and § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace to accommodate aircraft executing the VOR/DME Rwy 14 approach to the Medford-Jackson County Airport, Medford, Oregon. This action would also change the name of the PUMIC LOM to the PUMIE LOM.

Sections 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas and control zones.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.171 is amended as follows:

Medford, Oregon, Control Zone—[Amended]

Within a 5-mile radius of the Medford-Jackson County Airport (lat. 42°22'15" N, long. 122°52'20" W.), and within 2 miles west and 3 miles east of the Medford ILS Localizer north course, extending from the 5-mile radius zone to 3 miles north of the PUMIE LOM; and within 3.1 miles each side of the Medford VORTAC 352°(T) radial, extending from the Medford VORTAC to a point 7.3 miles north of the VORTAC.

AND

3. Section 71.181 is amended as follows:

Medford, Oregon, Transition Area—[Amended]

That airspace extending from 700 feet above the surface within 7 miles northeast and 5 miles southwest of the Medford ILS localizer northwest course extending from 3 miles northwest of the PUMIE LOM (lat. 42°27'03.8" N., long. 122°54'44.1" W.), to 24 miles northwest of the LOM; within 3.4 each side of the Medford VORTAC 352°(T) radial, extending from the Medford VORTAC to a point 8.5 miles north of the VORTAC; within 3.5 miles each side of the Medford ILS Localizer southeast course extending from the LOM to 24 miles southeast of the LOM; that airspace extending upward from 1,200 feet above the surface bounded on the east by V-452, on the southeast by the 40-mile arc centered on Klamath Falls VORTAC, on the south by V-122, on the west by V-23; that airspace southeast of Medford bounded on the north by the south edge of V-122, on the east by the 40-mile arc centered on Klamath Falls VORTAC, on the southeast by a line 5 miles southeast and parallel to the Fort Jones VORTAC 041° radial, on the west by the east edge of V-23; and that airspace west of the Medford VORTAC bounded on the north by the south edge of V-287; on the west by the east edge of V-27; on the south by the north edge of V-122.

Issued in Seattle, Washington, on June 18, 1986.

David E. Jones,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86-14512 Filed 6-26-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 85-ASO-20]

Proposed Alteration of Restricted Areas R-2904 Starke, FL, and R-2903B Stevens Lake, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM); reopening of comment period.

SUMMARY: This notice announces the reopening of the comment period on an NPRM which proposes to alter the lateral and vertical limits of Restricted Area R-2903B Stevens Lake, FL, and the vertical limits of R-2904 Starke, FL. The proposed realignment of R-2903B will increase the lateral limits to include the southern portion of the Camp Blanding Military Reservation. The proposal will also stratify and renumber portions of the Restricted Areas R-2903B and R-2904. These changes are being made at the request of the United States Army in order to accommodate new artillery requirements.

DATE: Comments must be received on or before July 30, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald C. Montague, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Background

Airspace Docket No. 85-ASO-20, published on April 28, 1986 (51 FR 15790) proposed to alter the lateral and vertical limits of R-2903B and subdivide R-2904 into R-2904A and R-2904B. These amendments will establish R-2903A, R-2903C and R-2903D. The proposed alteration will increase the lateral limits of R-2903B to include the southern portion of the Camp Blanding Military Reservation near Keystone Airpark, FL. Additionally, the alteration will increase the vertical limits of R-2903B to FL 320. The vertical limits of R-2904B will be FL 320. The additional airspace requested in this proposal is the minimum airspace necessary to accomplish new artillery requirements as well as current operations. The original comment period on the notice closed on June 10, 1986. This action will reopen the comment period to allow for an additional 30 days to comment.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area and restricted areas.

Reopening of Comment Period

The comment period for Airspace Docket No. 85-ASO-20 is reopened and will close on July 30, 1986.

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

Issued in Washington, DC, on June 20, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-14511 Filed 6-26-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AWP-16]

Proposed Amendment to the Daggett, California, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend the 700 foot transition area to the northeast of the Barstow-Daggett Airport. This action will provide controlled airspace for aircraft executing an instrument approach procedure to the Barstow-Daggett Airport, California, utilizing the Daggett, California, Very High Frequency Omni-directional Range Tactical Air Navigation (VORTAC).

DATES: Comments must be received on or before August 19, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 86-AWP-16, Air Traffic Division, P.O. Box 90027, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, at 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, at 15000 Aviation Boulevard, Lawndale, California 90260; telephone (213) 297–1649.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86–AWP–16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, Calfiornia, both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Daggett, California, transition area. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B, dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

Daggett, CA—[AMENDED]

Remove, "within 2 miles each side of the 050° bearing from Barstow-Daggett Airport extending from the 3-mile radius area to 6 miles NE of the airport," and substitute, "within 2.5 miles each side of the 059° bearing from Barstow-Daggett Airport extending from the 3-mile radius area of 9.5 miles NE of the airport."

Issued in Los Angeles, California, on June 19, 1986.

Wayne C. Newcomb,

Manager, Air Traffic Division.

[FR Doc. 86–14513 Filed 6–26–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–189–84]

Income Taxes; Debt Instruments With Original Issue Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property; and Safe Haven Interest Rates for Commonly Controlled Taxpayers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Corrections to proposed rules.

SUMMARY: This document contains corrections to proposed regulations that were published in the **Federal Register** on April 8, 1986 (51 FR 12022). Those proposed rules relate to: (1) The tax treatment of debt instruments issued after July 1, 1982, that contain original issue discount; (2) the imputation of and the accounting for interest with respect to sales and exchanges of property occuring after December 31, 1984; and (3) safe haven interest rates for loans or advances between commonly controlled taxpayers and safe haven leases between such taxpayers.

FOR FURTHER INFORMATION CONTACT: Carroll Yue of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T). Telephone 202–566–3935 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of this correction notice proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 163(e), 446, 482, 483 and 1271 through 1275 of the Internal Revenue Code of 1954.

Need for Correction

As published, the proposed rules contain several typographical errors that might cause confusion to taxpayers and practitioners in their study of the document.

Correction of Publication

Accordingly, the publication of proposed regulations LR–189–84, which was the subject of FR Doc. 86–7203, is corrected as follows:

Paragraph 1. In § 1.446–2, paragraph (g), *Example (6)*(iii), on page 12034, first column, in the third sentence the language "June 1, 1988," is removed and the language "June 1, 1986," is added in its place.

Par. 2. In § 1.483–5, paragraph (b)(3)(i)(B), on page 12045, second column, the final word in that paragraph (the word "made.") is removed and the word "due." is added in its place.

Par. 3. In § 1.1271–1, paragraph (b)(3), on page 12048, second column, in the final sentence the language "at the date of issue" is removed and the language "on the issue date" is added in its place.

Par. 4. In § 1.1272–1, paragraph (d)(2), on page 12051, second column, in the first sentence the language "date of original issue" is removed and the language "issued date" is added in its place.

Par. 5. In § 1.1272–1, paragraph (f)(4)(iii)(B)*(1)*, on page 12052, second column, the word "option" is added immediately after the word "call" and immediately before the word "as".

Par. 6. In § 1.1272–1, paragraph (k), *Example (6)*(i), on page 12055, third column, in the second sentence the monetary figures "$8,390.69", "$75,000" and "$66,609.31" are removed and the figures "$7,714.93", "$75,803.70" and "$68,088.77" are added in their respective places.

Par. 7. In § 1.1272–1, paragraph (k) *Example (13)*(i), on page 12059, first column, in the final sentence the language "(f) (5) (ii)" is removed and the language "(f) (3) (ii)" is added in its place.

Par. 8. In § 1.1273–1, paragraph (a)(2), on page 12059, third column, in the second sentence the language "§ 1.1272–1(f)(5)(ii)" is removed and the language "§ 1.1272–1(f)(3)(ii)" is added in its place.

Par. 9. In § 1.1274–3, paragraph (b)(3), *Example (5)*, on page 12067, third column, in the final sentence the mathematical calculation "$10,000,000 x [(1 x .10/2.42/180–1]=$114,494.20" is removed and the mathematical calculation "$10,000,000x[(1+.10/2)42/180–1]=$114,494.20" is added in its place.

Par. 10. In § 1.1274A–1, paragraph (c)(5)(ii), on page 12083, first column, in the first sentence the language "of this section" is added immediately after the language "(c)(4)(i)" and immediately before the word "on".

Par. 11. In § 1.1274A–1, paragraph (c)(6), on page 12083, second column, in the first sentence the language "(c)(5)" is removed and the language "(c)(6)" is added in its place.

Par. 12. In § 1.1275–2, paragraph (d)(3), on page 12085, second column, in the final sentence the language "§ 1.1232–3(b)(2)((iv)(e)" is removed and the language "§ 1.1232–3(b)(2)(iv)*(a)*" is added in its place.

Par. 13. In § 1.1275–5, paragraph (d)(5), *Example (4)*(ii), on page 12096, third column, in the seventeenth line of print from the top of the column the word "issue" is added immediately after the word "the" and immediately before the word "price".

Donald E. Osteen,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86–13392 Filed 6–26–86; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Parts 1, 3, 5f, 6a, 25, and 514

[LR–189–84]

Income Taxes; Debt Instruments With Original Issue Discount Imputed Interest on Deferred Payment Sales or Exchanges of Property; and Safe Haven Interest Rates for Commonly Controlled Taxpayers

Correction

In FR Doc. 86–7203, beginning on page 12022, in the issue of Tuesday, April 8, 1986, make the following corrections.

1. On page 12022, in the first column, in the DATES section, the proposed effective date for §1.482–2 is May 8, 1986 and should be inserted in the twelfth line from the bottom of the page, between "after" and "and";

2. On page 12026, in the first column, in the first complete paragraph, in the twentieth line, the first date should read "July 1, 1982";

3. On page 12030, in the second column, in § 1.163–7(b)(2), the second line should read "(a)(3) and § 1.1273–1(a)(3)";

4. On page 12034, in the third column, in § 1.446–2(g), Example 7(ii), in the table, the thirteenth entry should begin "January 1987";

5. On page 12041, in the first column, in § 1.483–2(b)(3), Example (8), in the fourth line from the bottom of the paragraph, insert "1" between "(" and "+";

6. On the same page, in the third column, in § 1.483–2(d)(2)(ii), in the sixth line, "½" should read "½";

7. On page 12042, in the second column, § 1.483–2(e)(4)(ii)(b) should be correctly designated as § 1.483–2(e)(4)(ii)(B);

8. On page 12043, in the first column, in § 1.483–3(a)(2)(ii), in the sixth line, the citation should read "§ 1.1274–4(g)";

9. On page 12050, in the third column, in § 1.1272–1(c)(2)(ii)(B)(2), make the following corrections:

A. In the first line, the formula should read:

$$[(1+i/k)^{t-1}]$$

B. In the fourth line, "–" should read "="; and

C. In the seventh line, "+" should read "=".

10. On page 12053, in the third column, in § 1.1272–1(k), Example (2), in item (2) the formula should read:

$$[(1+.117179/2)^{90/180}-1]$$

11. On page 12057, in the second column, in § 1.1272–1(k), Example (9)(i), in the fourteenth line, "this" should read "the", and in the third column, in § 1.1272–1(k), Example (10), in the fourth line form the bottom of the page, the minus sign should be removed;

12. On page 12058, in the second column, in § 1.1272–1(k), Example (11)(ii), in the tenth line "this" should read "thus";

13. On page 12060, in the first column, in § 1.1273–1(a)(3)(iii), Example (3), in the eighteenth line, "the" should read "one";

14. On page 12061, in the first column, in § 1.1273–1(b)(2)(iv), in the seventh line, insert "amount" after "principal";

15. On page 12063, in the second column, in § 1.1273–2(f)(5), Example (4), the last line should read "original issue discount.";

16. On the same page, in the third column, in § 1.1273–2(f)(5), Example (6)(ii), in the fifth line, "treted" should read "treated";

17. On page 12069, in the first column, in § 1.1274–3(d)(1)(v), Example (2), in the seventh line, "a" should read "the";

18. On the same page, in the third column, in § 1.1274–3(d)(1)(v), Example (6), make the following corrections:

A. In the third line, after "as", insert "of the date the test rate of interest with respect to";

B. In the tenth line, "1987" should read "1997"; and

C. In the thirteenth line, "of" should read "for".

19. On the same page, in the third column, in § 1.1274–3(d)(1)(v), Example (7), in the seventeenth line, remove "difference" and remove the entire eighteenth line;

20. On page 12070, in the second column, last line, in § 1.1274–3(d)(2)(v), Example (1)(ii), insert 'If" after "face.";

21. On page 12072, in the second column, in § 1.1274–3(e)(5), Example (1),

in the tenth line, insert "rate" before "applicable";

22. On page 12074, in the third column, in § 1.1274–4(h), Example (1)(iii)(B), the formula following the seventh line should read as follows:

$$\$19,425.72=\frac{\$20,000}{(1+.12/2)^{-5}}$$

23. On page 12075, in the third column, in § 1.1274–5(d)(3), the formula following the eighth line should read as follows:

$$PV=PMT\times\frac{1-(1+i/k)^{-n}}{(i/k)}$$

24. On page 12076, in the first column, in § 1.1274–5(e), Example (3), the formula following the twenty-fourth line should read as follows:

$$\$724,936.03=\frac{\$1,000,000}{(1+.10/1)^{3.375}}$$

25. On the same page, in the second column, in § 1.1274–5(e), Example (7), the formula should read as follows:

$$\$96,032.55=\frac{\$97,218.33}{(1+.12/12)^{1.23333}}$$

26. On the same page, at the bottom of the page, in § 1.1274–5(e), Example (8), the formula should read as follows:

$$\$96,031.70=\frac{\$97,218.33}{(1+.12/12)^{1}\times[1+(.23333\times.12)/12]}$$

27. On page 12090, in the third column, in § 1.1275–4(d)(3), Example (xi), the twentieth line should read "30, 1990 is thus $98, 478 [$800,000–($52,224+$649,298)].";

28. On page 12096, in the first column, in § 1.1275–5(d)(5), Example (3)(iii)(5), fourth line, "$,355.18" should read "$6,355.18"; and

29. On the same page, in the second column, in § 1.1275–5(d)(5), Example (4), in the fourth line, "1.274–4" should read "1.1274–4".

BILLING CODE 1505–01–M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 96

Public Contracts and Property Management; Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements

AGENCY: Office of the Secretary, Labor.

ACTION: Proposed rule.

SUMMARY: The Department of Labor is proposing to amend its administrative requirements for audit by adding sections on audit resolution and audit appeals. DOL is taking this action to establish standard approaches in these areas for all DOL agencies. This is a part of a larger effort to review common administrative issues with the objective of streamlining and standardizing procedures.

DATES: Comments on the proposed rules must be submitted on or before August 26, 1986.

ADDRESS: Written comments should be addressed to Mr. Thomas C. Komarek, Assistant Secretary of Labor for Administration and Management, 200 Constitution Avenue, NW., Washington DC 20210. Comments will be available for public inspection at the above address from 8:15 a.m. to 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas K. Delaney, (202) 523–9174.

SUPPLEMENTARY INFORMATION: On August 8, 1985, interim final audit regulations were published in the **Federal Register.** These rules implemented the Single Audit Act (SAA) of 1984 and OMB Circular A–128. In addition, other audit requirements for hospitals, universities, and non-profit organizations were consolidated.

The Department of Labor is taking this action to add rules on audit resolution and appeal to establish standard approaches in these areas for all DOL agencies. This is a part of a larger effort to review common administrative issues with the objective of streamlining and standardizing procedures.

Executive Order 12291

This proposed rule would not be a "major rule" under Executive Order 12291, because it will not likely result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act. DOL has notified and has certified to the Chief Counsel for Advocacy, Small Business Administration, pursuant to 5 U.S.C. 605(b), that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting or recordkeeping provisions included in this rule have been submitted to OMB for approval. Requirements for this rule increase those approved by OMB to implement the Single Audit Act of 1984 and to consolidate other audit guidance due to the addition of these two new administrative areas.

List of Subjects in 29 CFR Part 96

Government procurement, Grant programs—Labor, Government contracts, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, Part 96 of Subtitle A of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

PART 96—AUDIT REQUIREMENTS FOR GRANTS, CONTRACTS AND OTHER AGREEMENTS

1. The authority citation for Part 96 continues to read as follows:

Authority: 31 U.S.C. 7500 *et seq.*, OMB Circular No. A–128 and OMB Circular No. A–110.

2. Part 96 of Title 29 is amended by adding new Subparts 96.5 and 96.6 to read as follows:

Subpart 96.5—Audit Resolution

Sec.
96.501 Purpose and scope of subpart.
96.502 Pre-resolution phase activities.
96.503 Audit resolution generally.
96.504 Responsibility for subrecipient audits.

Subpart 96.5 Audit Resolution

§ 96.501 Purpose and scope of subpart.

This subpart prescribes standards for resolution of audit findings, including but not limited to, questioned costs and administrative deficiencies, identified as a result of the audit of grants, contracts and other agreements awarded by or on behalf of the DOL. In cases where these standards conflict with statutes or other DOL regulations, the latter shall be controlling.

§ 96.502 Pre-resolution phase activities.

(a) *Processing.* Organizations audited in accordance with the requirements of Subpart 96.1 or Subpart 96.2 shall submit copies of the audit report with corrective action plans (CAPs), if necessary, within thirty (30) days of completion, but no later than one year after the end of the period covered by the audit, to the DOL Office of Inspector General (OIG). The OIG shall review all audit reports received. Those reports meeting the requirements of an organization-wide audit as prescribed by Subpart 96.1 or Subpart 96.2 shall be forwarded for resolution to the appropriate DOL program official(s). The program official(s), upon recipt of an acceptable report and CAP, shall promptly evaluate the findings and recommendations in the report along with any OIG comments, and determine appropriate action.

(b) *Inadequate reports.* Those reports not meeting the requirements of Subpart 96.1 or Subpart 96.2 shall be returned by the OIG to the cognizant agency, or if DOL is the cognizant agency, to the audited entity. Returned reports shall be accompanied by an explanation of why the report is inadequate, what will be required to correct the inadequacies, timeframes for correcting inadequacies, and consequences of failure to take corrective action.

§ 96.503 Audit resolution generally.

The DOL official(s) responsible for audit resolution shall promptly evaluate findings and recommendations reported by auditors and the CAP developed by the recipient to determine proper actions in response to audit findings and recommendations. The process of audit resolution minimally includes an initial determination, an informal resolution period and a final determination.

(a) *Initial determination.* After the conclusion of any comment period for audits provided the grantee/contractor, the responsible DOL official(s) shall make an initial determination on the allowability of questioned costs or activities, administrative or systemic findings, and the corrective actions outlined by the recipient. Such determination shall be based on applicable statutes, regulations, administrative directives, or grant/contract conditions.

(b) *Informal resolution.* The grantee/contractor shall have a reasonable period of time (as determined by the DOL official(s) responsible for audit resolution) from the date of issuance of the initial determination to informally resolve those matters in which the grantee/contractor disagrees with the decisions of the responsible DOL official(s).

(c) *Final determination.* After the conclusion of the informal resolution period, the responsible DOL official(s) shall issue a final determination that:

(1) As appropriate, indicates that efforts to informally resolve matters contained in the initial determination have either been successful or unsuccessful;

(2) Lists those matters upon which the parties continue to disagree;

(3) Lists any modifications to the factual findings and conclusions set forth in the initial determination;

(4) Lists any sanctions and required corrective actions; and

(5) Sets forth any appeal rights.

(d) *Time limit.* Insofar as possible, the requirements of this section should be met within 180 days of the date the final approved audit report is received by the DOL official(s) responsible for audit resolution.

§ 96.504 Responsibility for subrecipient audits.

Recipients of Federal assistance from DOL are responsible for ensuring that subrecipient organizations are audited and that any audit findings are resolved in accordance with this part. The recipient shall:

(a) Determine whether appropriate audit requirements outlined in Subpart 96.1 or Subpart 96.2 have been met;

(b) Determine whether the subrecipient spent Federal assistance funds provided in accordance with applicable laws and regulations;

(c) Ensure that appropriate corrective action is taken within six months after recipt of the audit report in instances of non-compliance with Federal law and regulations; and

(d) Require that each subrecipient permit independent auditors to have access to the records and financial statements necessary to comply with this part.

Subpart 96.6—Appeals

Sec.
96.601 Purpose and scope of subpart.
96.602 Contracts.
96.603 Grants.

Subpart 96.6—Appeals

§ 96.601 Purpose and scope of subpart.

(a) The purpose of this subpart is to set forth procedures by which grantees and contractors may appeal final determinations by DOL officials responsible for audit resolution as a result of audits, where such appeal rights and procedures have not been established elsewhere in regulations and statutes administered by DOL or its subagencies. This subpart shall not apply where such appeal rights and procedures have been so specified elsewhere.

(b) Subgrantees and subcontractors shall have only such appeal rights as may exist in subgrants or subcontracts with the respective grantees or contractors.

(c) For the purpose of this subpart, the term "grant" shall include all agreements for Federal assistance from DOL which are not contracts as defined in the Contract Disputes Act.

§ 96.602 Contracts.

Upon a contractor's receipt of the DOL contracting officer's final determination as a result of an audit, the contractor may appeal the final determination to the DOL Board of Contract Appeals, pursuant to 41 CFR Part 29–60, or pursue such other remedies as may be available under the Contract Disputes Act.

§ 96.603 Grants.

The DOL grantor agencies shall determine which of the two appeal options noted below the grantee may use to appeal the final determination of the grant officer. All grants within the same grant program shall follow the same appeal procedure.

(a) *Appeal to the head of the grantor agency, or his/her designee, for which the audit was conducted*—(1) *Jurisdiction.* (i) *Request for hearing.* Within 21 days of receipt of the grant officer's final determination, the grantee may transmit, by certified mail, return receipt requested, a request for hearing to the head of the grantor agency, or his/her designee, as noted in the final determination. A copy must also be sent

to the grant officer who signed the final determination.

(ii) *Statement of issues.* The request for a hearing shall be accompanied by a copy of the final determination, if issued, and shall specifically state those portions of the final determination upon which review is requested. Those portions of the final determination not specified for review shall be considered resolved and not subject to further review.

(iii) *Failure to request review.* When no timely request for a hearing is made, the final determination shall constitute final action by the Secretary of Labor and shall not be subject to further review.

(2) *Conduct of hearings.* The grantor agency shall establish procedures for the conduct of hearings by the head of the grantor agency, or his/her designee.

(3) *Decision of the head of the grantor agency, or his/her designee.* The head of the grantor agency, or his/her designee, should render a written decision no later than 90 days after the closing of the record. This decision constitutes final action of the Secretary of Labor.

(b) *Appeal to the DOL Office of Administrative Law Judges*—(1) *Jurisdiction*—(i) *Request for hearing.* Within 21 days of receipt of the grant officer's final determination, the grantee may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, NW., Washington, DC 20036, with a copy to the grant officer who signed the final determination. The Chief Administrative Law Judge shall designate an administrative law judge to hear the appeal.

(ii) *Statement of issues.* The request for a hearing shall be accompanied by a copy of the final determination, if issued, and shall specifically state those portions of the final determination upon whch review is requested. Those portions of the final determination not specified for review shall be considered resolved and not subject to further review.

(iii) *Failure to request review.* When no timely request for a hearing is made, the final determination shall constitute final action by the Secretary of Labor and shall not be subject to further review.

(2) *Conduct of hearings.* The DOL *Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges*, set forth at 29 CFR Part 18, shall govern the conduct of hearings under paragraph (b).

(3) *Decision of the administrative law judge.* The administrative law judge should render a written decision no later than 90 days after the closing of the record.

(4) *Filing exceptions to decision.* The decision of the administrative law judge shall constitute final action by the Secretary of Labor, unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part thereof has filed exceptions with the Secretary of Labor, specifically identifying the procedure or finding of fact, law or policy with which exception is taken. Any exceptions not specifically urged shall be deemed to have been waived. Thereafter, the decision of the administrative law judge shall become the decision of the Secretary of Labor, unless the Secretary of Labor, within 30 days of such filing, has notified the parties that the case has been accepted for review.

(5) *Review by the Secretary of Labor.* Any case accepted for review by the Secretary of Labor shall be decided within 180 days of such acceptance. If not so decided, the decision of the administrative law judge shall become the final decision of the Secretary of Labor.

Signed at Washington, DC, this 8th day of June, 1986.

William E. Brock,

Secretary of Labor.

[FR Doc. 86-14255 Filed 6-26-86; 8:45 am]

BILLING CODE 4510-23-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-3039-6]

Approval and Promulgation of State Implementation Plan: Oregon

AGENCY: Environemtal Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: By this Notice, EPA is proposing approval of the Oregon State Implementation Plan (SIP) revision pertaining to the carbon monoxide (CO) attainment plan for the Medford area. The SIP revision, which would add a mandatory vehicle inspection and maintenance (I/M) program to the existing plan, was submitted to EPA by the Oregon Department of Environmental Quality (ODEQ) on October 9, 1985, and supplemented on February 13, 1986. Successful implementation of the I/M program and the rest of the plan will result in attainment of the CO standard prior to the federally required date of December 31, 1987. The I/M program began on January 1, 1986, is tied to vehicle registration, and includes a check for tampering. EPA is also proposing to approve a modification to the Oregon I/M regulation for underhood inspections by eliminating the tampering check for 1974 and older model vehicles. When approved, this revision will become a federally enforceable part of the SIP. EPA is also proposing to remove the existing section 110 (a)(2)(I) construction moratorium, and approve a minor revision to the existing state I/M regulation.

DATE: Comments must be postmarked on or before July 28, 1986.

ADDRESSES: Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environemntal Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch (10A-85-22), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-4233, FTS 399-4233.

SUPPLEMENTARY INFORMATION:

I. Background

Jackson County, Oregon, has a severe carbon monoxide (CO) problem due to the fact that the area is located in a bowl-like mountain valley, with low average wind speeds and frequent temperature inversions. This allows the pollutant concentrations to increase to unhealthful levels (for example, in 1983, the national CO health standard was violated in Medford 34 times). A national study done several years ago identified Medford as one of two areas in the country having highest potential for air pollution, based on its poor ventilation.

Following an extensive analysis of alternative control measures, a CO attainment strategy was adopted by the State of Oregon Environmental Quality Commission (EQC) in 1982. A major control element of this strategy was a commitment to implement a motor vehicle inspection and maintenance (I/

M) program. No other additional control measure or combination of measures could be projected to match I/M for effectiveness in reducing emissions necessary to meet the CO standard by the 1987 federal deadline.

In February 1983 (48 FR 5131), EPA proposed to approve the Medford CO plan upon county or state adoption of a specific I/M program. The 1983 Oregon Legislature authorized Jackson County to implement a local I/M program. The Jackson County Board of Commissioners adopted an I/M ordinance in January 1984 subject to voter ratification. In March 1984, the voters of Jackson County did not ratify the establisment of an I/M program.

Also in March 1984 (49 FR 9582), EPA then proposed to disapprove the Medford CO plan and initiate a construction moratorium on major stationary sources of CO because the plan did not contain an enforceable commitment to I/M. In September 1984 (49 FR 35631), EPA finalized the disapproval of the plan, specifically for the lack of an I/M program and attainment demonstration in the plan. This action finalized the construction moratorium and also partially approved certain elements of the CO plan. In a separate **Federal Register** published on the same day (49 FR 35662), EPA also proposed sanctions on federal funding for transportation and sewage treatment projects in Jackson County; these federal sanctions took effect in May 1985.

In June 1985, the Oregon Legislation passed HB 2845, which directs the EQC to designate the boundaries of areas needing I/M programs and to implement the programs in these areas if such a program has been designated in the SIP. EPA rescinded its sanctions effective June 19, 1985 (50 FR 26200), because of passage of that legislation.

II. Plan Review

A. Current Approved Plan

On September 11, 1984 (49 FR 35631), EPA approved several elements of the transportation control plan, based on adequate commitments for implementation or continued implementation. These measures included:

1. Improved public transit;
2. Parking control;
3. Traffic flow improvements;
4. Bicycle program.

The commitment to these measures ensured that the requirements for basic transportation needs were satisfied. EPA also approved the element of the plan regarding conformity of federal actions with the SIP.

EPA also approved a change to the CO nonattainment area which reduced the area to encompass only the Medford Central Business District. (For complete description of the CO nonattainment boundary, please see the September 11, 1984, **Federal Register** [49 FR 35631].)

B. Attainment Demonstration

The attainment analysis was conducted using the EPA approved MOBILE 3 emission factor model and predicts attainment by December 31, 1987, through the use of the above transportation control plan, and the implementation of the I/M program. Using the last three years of complete monitoring data, it was calculated that a base year of 1982 and a design concentration of 13.8 parts per million (ppm), should be used. The total emission reduction required to achieve the standard, above and beyond the reduction achieved by the Federal Motor Vehicle Emission Control Program, is 15 percent. In the State's analysis, the Medford I/M program will produce a 24 percent emission reduction, more than enough to attain the standard in the federally required time-frame.

C. I/M Programs

The Medford I/M program, which began on January 1, 1986, is biennial, and identical to the Portland I/M program design. It consists of the underhood inspection of pollution control equipment for cars 1975 and newer, and the gaseous emission measurements from the tailpipes of all cars twenty years old and newer. The program is run by the ODEQ and is enforced by vehicle registration. There is no cost of repairs limit, as there is no provision in State law for the designation of such a limit.

ODEQ determined that the Medford-Ashland Air Quality Maintenance Area (AQMA) would be the most effective boundary for the I/M program. This decision is based upon various factors: (a) It would involve less of a regulatory burden on the Jackson County residents than would a county-wide program; (b) estimates show that only 15 percent of the total county population live outside the AQMA, and only contributes about 4 percent of the vehicle miles travelled in the Medford CO area; (c) an AQMA-wide program is less costly than a county-wide program. The Medford-Ashland AQMA boundary minimizes the number of vehicles subject to the I/M program, while achieving the necessary emission reductions to achieve compliance by December 31, 1987, by eliminating the more remote areas of Jackson County.

It is proposed that the underhood inspection be eliminated for 1974 and older model year vehicles in both the Portland and Medford inspection areas. EPA is proposing to approve this action for two reasons: (a) Even with the change, the requirement for reasonably available control technology (RACT) is maintained; and (b) the impact on carbon monoxide and hydrocarbon emissions is insignificant. The proposed change will result in a very slight increase in vehicle pass rate in Portland, and will ease the concern of test severity for owners of older model cars and trucks in the Medford area.

III. Proposed Rulemaking Action

EPA is proposing to approve the Medford CO attainment plan and its attainment date of December 31, 1987. In addition, EPA is proposing to approve a modification to the Oregon I/M regulation for underhood inspections by eliminating the tampering check for 1974 and older model vehicles. These proposed approval actions are based upon plan revisions submitted by the ODEQ on October 9, 1985 and supplemented on February 13, 1986. EPA is also proposing to remove the section 110 (a)(2)(I) construction moratorium.

Interested parties are invited to comment on all aspects of this proposed approval of the Oregon SIP revision. Comments should be submitted in triplicate, to the address listed in the front of this Notice. Public comments postmarked by July 28, 1986 will be considered in any final action EPA takes on this proposal.

Under 5 U.S.C. 605(b), the Administrator had certified that SIP approvals do not have significant impact on a substantial number of small entities (46 FR 8709, January 27, 1981).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping.

Authority: 42 U.S.C. 7401–7642.

Dated: March 14, 1986.

Ernesta B. Barnes,

Regional Administrator.

[FR Doc. 86–14537 Filed 6–26–86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 79, 80, and 86

[AMS-FRL-3038-8]

Diesel Fuel Quality Effects on Emissions, Durability, Performance and Costs; Availability of a Draft Study

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of a draft study; request for review and comment.

SUMMARY: This notice announces the availability to the public of a draft study performed for EPA by Energy and Resource Consultants Inc., which examines the effects of diesel fuel quality, particularly the sulfur content and aromatics content, on emissions, engine durability, and engine performance.

The report concludes that a reduction in fuel sulfur content to 0.05 weight percent would not only reduce particulate emissions, but would also benefit society by generating savings of about four times the increase in refining costs (1.2 cents/gallon) due to lower engine wear rates and increased engine life resulting from low sulfur fuel operation.

The desulfurization process was also found (using the Department of Energy's Refinery Evaluation Modeling System) to produce a decrease in the average aromatics content of fuel from the present 28.7 volume percent to 20.3 volume percent. Further aromatics reduction to 17 volume percent could be achieved at an additional cost of 0.4 cents/gallon. This fuel aromatics decrease would significantly decrease carbonaceous particulate emissions from heavy-duty diesel engines, but would also lower fuel energy density and therefore lower fuel economy. It was hypothesized in the report however, that the aromatics reduction would result in higher cetane numbers, which would allow engine compression ratio of new engines to be lowered thereby increasing engine efficiency and offsetting this effect.

Although the preliminary cost analysis results from the refinery model look promising, little data has been uncovered to support some of the study's other findings, particularly the degree of increased engine life associated with a fuel sulfur reduction. Although encouraged by the findings contained in this report EPA wishes to obtain additional input and testing information from various sources before further action is taken.

DATES: Written comments on the study must be received on or before October 27, 1986.

ADDRESSES: Written comments should be submitted (in duplicate, if possible) to: Central Docket Section (LE-131A), U.S. Environmental Protection Agency, Attention: Docket No A-86-03, 401 Street, SW., Washington, DC 20460.

Materials pertaining to this study are contained in Public Docket A-86-03. This docket is located at the above address in the West Tower Lobby, Gallery 1; phone (202) 382-7548. The docket may be inspected between 8 a.m. and 3 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged by EPA for photocopying.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy L. Sprik, U.S. EPA (SDSB-12), Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668-4276.

Copies of the study may be requested at this number.

SUPPLEMENTARY INFORMATION:

I. Background

In March of 1985, EPA promulgated particulate emission standards of 0.25 g/BHP-hr for heavy-duty trucks (greater than 8,500 lbs), and 0.10 g/BHP-hr for buses, effective for the 1991 model year; and 0.10 g/BHP-hr for both heavy-duty trucks and buses for the 1994 model year (50 FR 10606, March 15, 1985). During the rulemaking process, manufacturers expressed concern over diesel sulfur levels, commenting that sulfur from the fuel could be a problem for trap-oxidizer operation either through trap plugging from engine-out sulfate emissions or through the generation of significant particulate sulfate emissions which would make it impossible to meet the standards. To address this concern commenters recommended that EPA regulate the sulfur content of diesel fuel. EPA responded that it would continue to study the issue and if warranted would consider regulating diesel fuel sulfur content. The study being released today is an initial step in the investigation.

Both the aromatics content and the back-end distillation temperature of diesel fuel may also play an important role in generating particulate emissions. Aromatic compounds in fuel have been found to contribute significantly to both the carbonaceous fraction of particulate emissions as well as hydrocarbon emissions from heavy-duty diesels under transient conditions. Back-end volatility has also been correlated with particulate emissions. While addressing the issue of diesel fuel sulfur, EPA plans to investigate the effects of these fuel variables on emissions, and their cost of control as well. This effort is being made in conjunction with numerous other studies attempting to identify cost effective strategies to reduce hydrocarbon and particulate emissions in order to reduce the degree of non-compliance with the National Ambient Air Quality Standards for ozone and particulate matter.

The draft report by Energy and Resource Consultants, Inc., (ERC) is the first step of an effort aimed at determining the cost and benefits of diesel fuel quality modification. After comments on this study are received and reviewed, the Agency will proceed with a comprehensive analysis of this issue, which may lead to a decision to regulate diesel fuel quality.

II. Key Results of Draft Study

The draft report by ERC discusses in detail the important emission, performance, and durability related properties of diesel fuel and shows how these parameters have been changing over time. A version of the Department of Energy's Refinery Evaluation Modeling System (REMS) was used by Sobotka Consultants, Inc. to estimate the cost involved in making fuel compositional changes.

As presented in the report, the most important emission-related properties of diesel fuel are the sulfur content and the fraction of aromatics in the fuel. A reduction in fuel sulfur would directly reduce SO_2 and sulfate emissions while reducing fuel aromatics would reduce carbonaceous particulate emissions. ERC concluded that back-end volatility (e.g., the 90-percent distillation point) does not significantly affect particulate emissions.

ERC also concluded that, in addition to the emissions benefit, a reduction of fuel sulfur from present day levels of about 0.274 weight percent to 0.05 weight percent would reduce corrosive engine wear and extend engine life. A 30 percent reduction in wear rates was estimated and used in the cost effectiveness analysis. This effect is difficult to quantify, however, as data on the subject are scarce.

According to the report, a reduction of fuel aromatics content would also have an effect on engine operation. Cetane number and ignition quality would improve, thus aiding cold starting and reducing engine noise. Also, fuel energy density would decrease, possibly reducing fuel economy, but ERC believes that a reduction in compression ratio made possible by higher cetane numbers would be able to offset this effect.

The REMS refinery model was used to estimate the cost of reducing fuel sulfur alone from 0.274 percent to 0.05 percent.

The results of the model showed that by segregating the production of diesel fuel from distillate burner fuels and by using existing desulfurization capacity, this sulfur reduction could be accomplished using persent capital stock at a cost of about 1.2 cents per gallon. ERC claims that this cost would be more than offset by the savings generated by the increased engine life resulting from desulfurization.

The REMS model also concluded that the desulfurization process would effect a reduction in aromatics content from the present 28.7 volume percent to about 20.3 volume percent varying from refinery to refinery. Additional reduction of aromatics content to 17 percent would increase refining cost by an additional 0.4 cents per gallon.

III. Request for Public Comment

EPA is currently in the process of undertaking a thorough environmental and economic analysis of diesel fuel quality. As part of this process, the Agency is also planning additional testing and analytical efforts to better quantify: (1) The cost of fuel modification, (2) the effect of fuel sulfur on engine wear, (3) the effect of fuel modifications on fuel economy, and (4) the chemistry of sulfur oxides in the urban atmosphere. EPA invites all interested parties to review the aforementioned report, as well as provide information that will aid EPA in prioritizing its future efforts with respect to determining the need to regulate diesel fuel quality. Written comments should be sent to the address listed above. Parties interested in discussing the issue of diesel fuel modification in person should contact the Agency contact listed above.

We are particularly interested in comments on the following topics:

1. ERC's conclusion that reducing fuel sulfur will substantially decrease engine wear is based on the results of a locomotive study (pp. 3–5 through 3–15) performed in 1970 (SAE Paper #700892). EPA requests comments on whether or not extrapolating data from this study to today's heavy-duty diesel engines with highly formulated oils is appropriate.

2. The report states that reducing fuel aromatics will decrease fuel energy density, but that a decrease in engine compression ratio made possible by the resulting higher cetane numbers would increase engine efficiency, thus offsetting this effect. We request comment on the effect of sulfur and aromatics control on fuel energy density and on the effect that this would have on maximum power and fuel economy of existing engines. We also request comments on the possibility of lowering the compression ratios (p. 3–27) of new engines because of higher cetane and the effect of such changes on fuel economy and maximum power.

3. Lowering the aromatics content could increase the pour point and cloud point of the fuel (pp. 2–10 to 2–11). We request comments on the magnitude of these effects as well as on the feasibility and cost of alleviating the problem via dewaxing or cold-flow improving additives.

4. In order to quantify the benefits associated with lower sulfur dioxide emissions, it is important to determine the amount of sulfur dioxide converted to sulfate in the breathing zone (p. 3–4). Recommendations concerning a more precise method of modeling the amount of conversion are requested.

5. The REMS model assumes that the segregation of diesel and burner fuel for fuel desulfurization is feasible. We request comment on the feasibility and cost of such segregation and on whether existing capacity can be used and is sufficient for desulfurization.

6. The results of the REMS modeling show that aromatics will be substantially reduced by the desulfurization process (p. 5–4). As provious studies have not shown this connection, please comment on whether this represents actual refinery operation or if it is merely an artifact of the modeling procedure.

Following receipt and analysis of the comments, the Agency will decide on the proper approach to be taken concerning diesel fuel quality.

Dated: June 17, 1986.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86–14542 Filed 6–26–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 81

[A–5–FRL–3039–3]

Designation of Areas for Air Planning Purposes Attainment Status Designations; Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA proposes to revise the carbon monoxide (CO) designations for the City of Duluth (Duluth) and the City of Rochester (Rockester), Minnesota from nonattainment to attainment of the national ambient air quality standards (NAAQS) for CO. These revisions to the attainment status for Duluth and Rochester are based on a request from the State to redesignate these areas and on the supporting data the State submitted. (Under the Clean Air Act, designations can be changed if data are available to warrant such changes.)

DATE: Comments on these revisions and on the proposed USEPA action must be received by July 28, 1986.

ADDRESSES: Copies of the redesignation requests, technical support documents and the supporting air quality data are available at the following addresses: (It is recommended that you contact Steven D. Griffin, at (312) 353–3849 before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Minnesota Pollution Control Agency, Division of Air Quality, 1935 West County Road B–2, Roseville, Minnesota 55113.

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Steven D. Griffin, (312) 353–3849.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act (Act), the Administrator of USEPA has promulgated the attainment status for the NAAQS for each area of every state. See 43 FR 8962 (March 3, 1978) and 40 CFR Part 81. These area designations may be revised whenever monitoring and supportive data are submitted to USEPA. The primary NAAQS for carbon monoxide (CO), which is set forth at 40 CFR 50.8, is violated if, more than once in a calendar year, CO concentrations exceed either: (a) The maximum allowable 8-hour concentration of 9 parts per million (ppm); or (b) the maximum allowable 1-hour concentration of 35 ppm.

USEPA's criteria for approving redesignation requests, as they pertain to CO, are discussed in a **Federal Register** notice of January 22, 1981 (46 FR 7182), and in the following USEPA memoranda:

1. April 21, 1983, from Sheldon Meyers to Directors of Air Management Divisions, Subject: Section 107 Designation Policy Summary.

2. December 23, 1983, from G.T. Helms to Chiefs of Air Programs Branches, Region I–X, Subject: Section 107 Questions and Answers.

The USEPA policy relevant to CO redesignations is summarized as follows:

1. Generally, all available data relative to the attainment status of an area must be reviewed. These data must include the most recent 8 consecutive quarters of quality assured, representative air quality data plus evidence of an implemented control strategy that USEPA has fully approved. The ambient air quality data must show no violations of the NAAQS to support a redesignation from nonattainment to attainment.

2. Supplemental information, including available modeling data should also be considered to determine if the monitoring data accurately characterize the "worst case" air quality in the area.

3. In special situations, an attainment designation can be supported using the most recent 4 quarters of exceedances-free ambient data if an acceptable state-of-the-art modeling analysis is provided showing that actual enforceable emission reductions are responsible for the observed air quality improvements.

On March 3, 1978 (43 FR 9006), USEPA originally designated Duluth and Rochester, Minnesota as nonattainment for CO. From July 3, 1979 to July 27, 1979, Minnesota submitted to USEPA proposed revisions to the State Implementation Plan (SIP) for CO pursuant to Part D of the Act. On June 16, 1980 (45 FR 40579), USEPA approved the CO SIP revisions for Duluth and Rochester. The CO SIP consisted of control strategies based on the Federal Motor Vehicle Control Program (FMVCP) and a transportation control plan (TCP) for each city and called for a compliance deadline of December 31, 1982, for attainment of the CO NAAQS. The FMVCP provides for emissions reductions derived from pollution controls on late-model vehicles. The majority of creditable emissions reductions result from implementation of the FMVCP. Relatively minimal reductions result from TCP implementation.

On June 13, 1985, the Minnesota Pollution Control Agency (MPCA) requested that USEPA redesignate Duluth and Rochester to attainment for CO. To support their request, the State submitted 9 consecutive quarters of air monitoring data for Duluth and 8 consecutive quarters of air monitoring data for Rochester which showed no violations of the 8-hour or 1-hour standards. In addition, because the redesignation is based on evidence of implemented control strategies, MPCA also discussed the SIP status of the approved CO SIP for Duluth and Rochester. The following is a detailed discussion of the Duluth and Rochester redesignations.

A. Duluth

1. Monitoring Data

The monitoring data for 9 consecutive quarters available at the time of the State's submittal (January 1983 through March 1985) showed no violations of the 8-hour CO standard and no exceedances of the 1-hour standard. USEPA notes that the sole monitoring site in Duluth, located at 314 West Superior Street, is situated with tall buildings on either side of the street, creating a "street canyon" affect. This monitor is in a "worst case" location, appropriate for CO monitoring.

2. SIP Status

Duluth's TCP was prepared by the MPCA and the Metropolitan Interstate Committee and was based on area-wide transportation emission screening modeling and microscale, or "hot spot", modeling. Area-wide modeling indicated that attainment of the NAAQS for CO was possible by the December 31, 1982, deadline by implementing only an FMVCP control strategy. However, "hot spot" modeling indicated that unless a TCP was implemented, there would be continued nonattainment at locations along Superior Street after the deadline, because Superior carried the highest average daily traffic in the central business district (CBD). In addition, low vehicle speeds and stopping and idling at intersections with traffic signals contributed to the CO problem.

In order to alleviate congestion in the CBD and assure attainment and maintenance of the NAAQS, Duluth's present TCP contains the following key elements:

1. Traffic was diverted from Superior Street to 2nd and 3rd Streets, a one-way pair above the CBD. Due to construction activity, traffic will continue to be diverted from or restricted on Superior until completion of Interstate 35 (anticipated in 1988). I–35 is located just south of the CBD and in and of itself is a positive step in significantly improving traffic flow.

2. Enforcement of parking violations, such as double-parking and parking in loading zones, was increased.

3. Parking facility signs were posted to help motorists locate off-street parking, thus minimizing unnecessary driving.

4. A voluntary ban on goods deliveries was initiated during the peak driving hours of 4:00 p.m. to 6:00 p.m.

5. Additional traffic flow measures included improved traffic control signaling, increased availability of off-street parking, and studies aimed at improving Duluth's transit system.

Only one TCP measure was not completed. The City of Duluth found it infeasible to enlarge the turning radius from northbound 14th Avenue to westbound 3rd Street in order to facilitate tractor-trailers. This decision was based on problems with utilities relocation and right-of-entry obligations. Further, diversion of trucks has taken place without the improvement. A sign has recently been installed on 14th Avenue directing trucks to 3rd Street.

The fundamental purpose of the non-implemented TCP measure has been in fact achieved, i.e., diversion of traffic, and all other TCP measures have been implemented. Therefore, USEPA has determined that the probable air quality impacts of not implementing the measure are negligible and will not require the improvement as a prerequisite for redesignation.

B. Rochester

1. Monitoring Data

The eight most recent consecutive quarters of monitoring data available at the time of the submittal (January 1983 through December 1984) were submitted by the State which showed no violations of the 8-hour or 1-hour standards. The only CO monitoring site in Rochester, located at 1st Street and South Broadway, has never recorded a violation of the 1-hour limit of 35 ppm. The monitoring site is located at an intersection bordered by multi-story buildings. Broadway carries the highest average daily traffic in the CBD at approximately 20,000 vehicles. USEPA finds that the site monitors CO levels representative of "worst case" concentrations in the CBD.

2. SIP Status

Rochester's TCP was based on area-wide transportation emission screening modeling and "hot spot" modeling. Both area-wide and "hot spot" models indicated CO NAAQS attainment by December 31, 1982, if only implementation of the FMVCP were to occur. However, the margin of attainment was slight. Therefore, the Rochester Olmstead Council of Governments and MPCA decided to develop and implement a TCP for Rochester to reduce CO levels in the CBD, thereby ensuring CO attainment.

The elements of Rochester's TCP, as approved by USEPA, and the status of each element may be summarized as follows:

1. Improved Public Transit, Car-Pool and Van-Pool Strategies. In the period

from 1979 through 1984, miles of public transit service increased 51%, ridership increased 65%, and an employee-sponsored pass program and a Shop-N-Ride program were implemented. In addition, 13 buses were purchased and 14 passenger shelters were installed during this period. More buses, shelters and CBD transfer facility improvements are planned for the future. Progress in the car-pool/van-pool strategy includes the Rochester Area Rideshare Program, which features computer matching of participants.

2. Parking Improvements. Based on a 1977 parking study, rates were increased on CBD parking meters and parking areas were increased for CBD employees. In addition, from 1930 through 1982, parking was removed in areas of turn lanes and loading zones to improve traffic flow.

3. Improved Traffic Signalization. In the period from 1979 through 1980, signals were: installed at 7th Street and 2nd Avenue NE.; synchronized on 2nd Street SW.; and on 1st Avenue SW.; and removed at 9th Street and North Broadway. In 1984, synchronization of signals on 11th Avenue NE. was completed to accommodate traffic flow and to improve separation of vehicle and pedestrian traffic. Elimination of traffic signals at 3rd Street and South Broadway is planned for 1986–1987.

4. Traffic Flow Improvements. West Silver Lake Drive was reconstructed, as provided in the TCP, in 1979. In addition, the TCP will provide for restricting left turns into CBD private accesses and will coincide with the planned upgrade of Broadway to an expressway in 1986–1987. A referendum on a CBD one-way pair of streets was deleted from the TCP, because construction of the expressway rendered the plan infeasible.

5. Bikeways. Expansion of the bikepath system is ongoing.

6. Plug-In Heaters for Public Parking Structures. The results of a St. Cloud, Minnesota study into the feasibility of vehicle plug-in heaters to reduce emissions from cold engine starts were reviewed, and it was found that such heaters could be installed on long-term spaces in Rochester in the future.

7. Contingency Plan for Peak CO Periods. Rochester has developed strategies for controlling CO when concentrations reach peak levels. Strategies will be implemented as needed.

Although this could be considered a "supplemental control system" (SCS) addressed in section 123 of the Clean Air Act, USEPA determined that in this case this portion of the plan was approvable because the plan without this measure still assures attainment and maintenance of the CO NAAQS. Recently, also, in a Notice of Proposed Rulemaking concerning a Denver, Colorado plan, USEPA determined that in certain circumstances section 123 does not restrict the credit that may be given in an attainment demonstration for reductions from transportation control plans that constitute an SCS. See 49 FR 8049, March 5, 1984.

8. Additional Strategies.

Additional measures, which were not part of the SIP but are anticipated to have a positive impact on CO levels, include the reconstruction of signals at 6th Street and South Broadway in 1981, the current construction of West River Parkway, and the construction of alternate routes around the City by 1988.

Of the above stated strategies, USEPA recognizes the deletion of the referendum for a one-way pair of streets (Item 4.) as the only unimplemented strategy. However, as a referendum the measure does not have any impact on CO concentrations. Therefore, USEPA does not require this measure as an element in redesignation.

Conclusion

USEPA proposes to redesignate Duluth and Rochester, Minnesota from nonattainment to attainment for the CO NAAQS. USEPA believes the State has adequately supported its request to redesignate Duluth and Rochester, Minnesota to attainment for the CO NAAQS based on:

(1) An approved, implemented TCP, including control measures necessary to attain the CO NAAQS prior to the date of the redesignation request,

(2) At least 8 quarters of ambient air quality data which show no violations of the 8-hour or 1-hour standards, and

(3) Continued implementation of the FMVCP to ensure future maintenance of the CO NAAQS.

USEPA will also review the most recent CO air quality data prior to redesignating either Duluth or Rochester to attainment for CO.

USEPA notes that its final rulemaking action redesignating Duluth and Rochester from nonattainment to attainment for CO will make the CO section 110(a)(2)(I) growth restrictions no longer applicable in these areas.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether USEPA will approve the redesignation. After review of all comments submitted, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action on the redesignation.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations to attainment do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: 42 U.S.C. 7401–7642.

Dated: December 26, 1985.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 86–14538 Filed 6–26–86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 795 and 799

[OPTS–42084; FRL–3008–8]

Methylcyclopentane and Commercial Hexane; Proposed Test Rule

Correction

In FR Doc. 86–10711 beginning on page 17854 in the issue of Thursday, May 15, 1986, make the following corrections:

1. On page 17855, in the third column, in the third line from the bottom, "(Ref. (0" should read "(Ref. 9)".

2. On page 17858, in the second column, in the second line of the first complete paragraph, "<1.0" should read ">1.0".

3. On page 17859, in the second column, in the second line, "30 mil" should read "30 ml".

4. On page 17861, in the first column, in the tenth line of the second complete paragraph, "375 on ppm" should read "1,375 ppm".

§ 795.232 [Corrected]

5. On page 17869, in the first column, in the heading for § 795.232 "pharmacokinetics" is misspelled.

5a. In the same column, in the fifth line of paragraph (c)(1)(i), "toxicological" is misspelled.

5b. In the second column, in the ninth line of paragraph (c)(2)(ii)(C), "2 cm_2" and "$5cm_2$" should read "$2cm^2$" and "$5cm^2$" respectively.

§ 799.2535 [Corrected]

6. On page 17870, in the third column, the section designation should read § 799.2535.

§ 799.2155 [Corrected]

7. On page 17871, in the first column, in the second line of paragraph (b) of § 799.2155 "plant" should read "plans".

7a. On page 17872, in the second line of the third column, "(test" should read "Test".

7b. In the same column, in the fifth line, "2,4–DMp" should read "2,4–DMP".

7c. In the same column, in the 11th line, "groups" should read "group".

7d. In the same column, in the 12th line, "^{14}CV" should read "^{14}C".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 247 and 252

Department of Defense Federal Acquisition Regulation Supplement; Contracts for the Preparation of Personal Property for Shipment or Storage

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Department of Defense proposes to amend DoD FAR Supplement Section 247.271, Contracts for the Preparation of Personal Property for Shipment or Storage, and corresponding clauses in DoD FAR Supplement Section 252.247, by deleting various schedules and clauses and revising other coverage. The deleted material will be published in the DoD Personal Property Traffic Management Regulation (DoD 4500.34–R) in amended format. The effect of this action will be to establish a uniform performance work statement (PWS) for the procurement of personal property packing and containerization services. The proposed coverage does not have a significant cost or administrative impact on contractors or offerors and does not have a significant effect beyond the internal operating procedures of the Department of Defense. Therefore, public comments are not required in accordance with Pub. L. 98–577. However, any comments received on or before the date shown below will be considered in the formulation of a final rule.

DATE: Comments on the proposed revisions should be submitted in writing to the Executive Secretary, DAR Council, at the address shown below on or before August 26, 1986. Please cite DAR Case 86–43 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, ODASD(P)/DARS, c/o OASD(A&L)(MRS), Room 3C841, The Pentagon, Washington, DC 20301–3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

At the direction of the Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), a joint service committee drafted a model performance work statement (PWS) for the acquisition of personal property packing and containerization services. This model PWS has been tested at several DoD military installations since 1983. The proposed amendment will establish the PWS as the single format for the procurement of personal property packing and containerization services. Specifically, DFARS clauses presently published at 252.247–7102, Estimated Quantities; 252.247–7103, Schedule Formats; 252.247–7110, Performance; 252.247–7111, Time Requirements; 252.247–7113, Vans; 252–247–7117, Additional Marking Instructions; 252.247–7118; Weight Certificates; and 252.247–7119, Report of Lost/Damanged Material will be deleted. The deleted material will be incorporated in the PWS by an amendment to the DoD Personal Property Traffic Management Regulation (DoD 4500.34–R). In addition to the foregoing, minor modifications are proposed for the remaining coverage in 247.271 and 252.247 to accommodate the PWS.

B. Regulatory Flexibility Act Information

Since the proposed coverage is not required to be publicized for public comment, the Regulatory Flexibility Act does not apply.

C. Paperwork Reduction Act

The proposed coverage does not contain new information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 247 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, it is proposed that 48 CFR Part 247 and 252 be amended as follows:

1. The authority citation for 48 CFR Parts 247 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 247—TRANSPORTATION

2. Section 247.271–3 is amended by revising paragraph (b)(2); by deleting from the first sentence of paragraph (b)(3) the phrase "other than attempted pickup or delivery"; by revising in the addresses contained in the last sentence of paragraph (c)(1) zip codes reading "07002" and "94626" to read "07002–5302" and "94626–5000" respectively; by removing in the addresses contained at the end of the last sentence of paragraph (c)(2) the words "Washington, D.C. 20315" and inserting the words "5611 Columbia Pike, Falls Church, VA 22041–5050" to read as follows:

247.271–3 Procedure.

* * * * *

(b) * * *

(2) *Additional Services.* Additional services include, but are not limited to, hoisting or lowering of articles, waiting time, special packaging, stuffing or unstuffing of seavan containers and other services not specified in the bid items. Additionally, local moves that do not require drayage may be procured by the hourly rate of constructive weight methods. The rate will include packing, movement, inventorying, unpacking, removal of debris and other services necessary for completion of the movement. Each ITO shall determine if local requirements exist for any additional services.

* * * * *

3. Section 247.271–4 is amended by removing paragraph (a)(3); by redesignating the existing paragraph (a)(4) as (a)(3); by revising the first sentence of the redesignated paragraph (a)(3); by removing the last sentence of the redesignated paragraph (a)(3); by substituting in paragraph (b)(1) the reference "252.247–7103" in place of the reference "252.247–7107"; by substituting in paragraph (b)(2) the reference "252.247–7107" in place of the reference "252.247–7105"; by substituting in paragraph (b)(4) the reference "252.247–7105" in place of the reference "252.247–7106"; by substituting in paragraphs (b)(5) the reference "252.247–7106" in place of the reference "252.247–7107"; by substituting in paragraph (b)(6) the reference "252.247–7107" in place of the reference "252.247–7108" in both places; by substituting in paragraph (b)(7) the reference "252.247–7108" in place of the reference "252.247–7109"; by revising paragraphs (b)(8) through (b)(15); and by removing paragraphs (b)(16) through (b)(19) to read as follows:

247.271-4 Solicitation provisions, schedule formats, and contract clauses.

(a) * * * * *

(3) The contracting officer shall insert the schedules as provided by the installation transportation office as contained in DoD 4500.34–R, Personal Property Traffic Management Regulation, in solicitations and resulting contracts for the preparation of personal property for movement or storage, and for performance of intra-city or intra-area movement.

* * * * *

(8) 252.247–7109, Demurrage.

(9) 252.247–7110, Liability.

(10) 252.247–7111, Erroneous Shipments.

(11) 252.247–7112, Subcontracting.

(12) 252.247–7113, Drayage.

(13) 252.247–7114, Additional Services.

(14) FAR 52.247–2, Permits, Authorities, or Franchises.

(15) FAR 52.247–8, Estimated Weight or Quantities Not Guaranteed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.247–7100 is amended by changing the date of the clause to read "(1986)" in lieu of "(FEB 1983)"; by inserting in paragraph (a) of the clause, following the second sentence, a sentence in parentheses; and by adding paragraphs (c) and (d) to the clause to read as follows:

252.247-7100 Evaluation of bids.

* * * * *

(a) * * * (If there is to be no charge for an item, an entry such as "No charge", or the letters "N/C" or "O", must be made in the unit price column of the schedule.) * * *

(b) * * * * *

(c) When drayage is necessary for the accomplishment of any item within the bid schedule, costs for bridge or ferry tolls, road use charges or similar expense shall be included in the unit price.

(d) Unless otherwise provided herein, prices must be stated in amounts per hundred pounds or gross or net weights, whichever is applicable. All charges shall be subject to and payable on the basis of a minimum weight of hundred pounds net or gross, whichever is applicable.

* * * * *

252.247-7102 [Removed]

5. Section 252.247–7102 is removed and the section is marked "Reserved."

252.247-7103 [Removed]

6. Section 252.247–7103 is removed.

7. Section 252.247–7104 is redesignated as 52.247–7103 and the redesignated section is amended by changing the date of the clause to read "(1986)" in lieu of "(APR 1977)"; by removing the parenthetical reference in paragraph (i) of the second sentence of the clause the word "Container" and the words "and Air Cargo"; by removing in paragraph (ii) of the second sentence of the clause the word "and"; by changing the period at the end of the second sentence of the clause to a semicolon; and by revising the remaining text of the clause to read as follows:

252.247-7103 Scope of contract.

* * * * *

and the handling of shipments into and out of the contractor's facility. Excluded from the scope of this contract is the furnishing of like services or materials which are provided incident to complete movement of personal property when purchased by the Through Government Bill of Lading or other method/mode of shipment or property to be moved under the Do-It-Yourself moving program or otherwise moved by the owner.

* * * * *

8. Section 252.247–7105 is redesignated as 252.247–7104 and the redesignated section is amended by changing the date of the clause to read "(1986)" in lieu of "(MAY 1970)"; by revising at the beginning of the last sentence of the clause the word "Orders" to read "New orders"; and by adding a sentence at the end of the clause to read as follows:

252.247-7104 Period of contract.

* * * * *

Orders required for the completion of services (for shipments in the Contractor's possession) may be placed against this contract for 180 days past the end date.

* * * * *

252.247-7105 through 252.247-7108 [Redesignated from 242.247-7106 through 252.247-109]

9. Sections 252.247–7106 through 252.247–7109 are redesignated as 252.247–7105 through 252.247–7108 respectively

252.247-7110 and 252.247-711 [Removed]

10. Sections 252.247–7110 and 252.247–7111 are removed.

252.247-7109 [Redesignated from 252.247-7112]

11. Section 252.247–7112 is redesignated as 252.247–7109 and the redesignated section is amended by revising the reference in the introductory paragraph reading "247.271–4(b)(10)" to read "247.271–4(b)(8)".

252.247-7113 [Removed]

12. Section 252.247–7113 is removed.

252.247-7113 [Redesignated from 252.247-7114]

13. Section 252.247–7114 is redesignated as 252.247–7113.

252.247-7110 [Redesignated from 252.247-7115]

14. Section 252.247–7115 is redesignated as 252.247–7110 and the redesignated section is amended by revising the reference in the introductory paragraph reading "247.271–4(b)(13)" to read "247.271–4(b)(9)".

15. Section 252.247–7116 is redesignated as 252.247–7111 and the redesignated section is amended by revising the reference in the introductory paragraph reading "247.271–4(b)(14)" to read "247.271–4(b)(10)"; by changing the date of the clause to read "(1986)" in lieu of "(MAY 1977)"; by revising the last sentence of paragraph (b) of the clause; and by inserting in the last sentence of paragraph (c) of the clause between the word "additional" and the word "transportation" the words "shipment preparation, drayage, and" to read as follows:

252.247-7111 Erroneous shipments.

* * * * *

(b) * * * The Contractor shall be liable for all costs incurred including charges for preparation, drayage and transportation in excess of what it would have cost the Government had the entire lot been shipped at the same time.

* * * * *

252.247-7117, 252.247-7118 and 252.247-7119 [Removed]

16. Sections 252.247–7117, 252.247–7118, and 252.247–7119 are removed.

252.247-7112 [Redesignated from 252.247-7120]

17. Sections 252.247–7120, is redesignated as 252.247–7112 and the redesignated section is amended by revising the reference in the introductory paragraph reading "247.271–4(b)(18)" to read "247.271–4(b)(11)".

18. Section 252.247–7121 is redesignated as 252.247–7114 and the redesignated section is revised to read as follows:

252.247-7114 Additional services.

As prescribed at 247.271-4(b)(13), insert the following clause:

Additional Services (1986)

Additional services not included in the schedule, but required for satisfactory completion of the services ordered under this contract shall be provided at a rate comparable to the rate for like services as contained in tenders on file with the ICC, state regulatory bodies, or MTMC, in effect at time of order.

(End of clause)

[FR Doc. 86-14535 Filed 6-26-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Availability of a Final Supplemental Environmental Impact Statement (SEIS) on the Use of Lead Shot for Hunting Migratory Birds in United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This Notice advises that the Final SEIS on the Use of Lead Shot for Hunting Migratory Birds in the United States has been approved and will be available to the public upon request.

This Final Supplement to the 1976 Final Environmental Statement (FES) on the same subject incorporates information from the earlier document and summarizes information from analyses of additional data that have become available since 1976 on lead poisoning of endangered and nonendangered migratory birds due to lead shot ingestion. Alternatives considered in the 1976 FES were reevaluated in the context of an expanded scope of concern for lead poisoning in a broader range of migratory birds, particularly the bald eagle. The overall, long-term objective of the 1986 Final SEIS is: to promulgate annual regulations for waterfowl hunting seasons that will eliminate lead poisoning resulting from ingestion of spent lead shot from shotshells as a significant mortality factor among migratory bids.

In the Final SEIS, nine alternative strategies have been described and evaluated in terms in their respective potential for enabling the U.S. Fish and Wildlife Service (FWS) to attain the overall objective. The alternatives include a range of constraints on hunter use of lead shot for harvesting waterfowl that provide varying degrees of bald eagle and waterfowl protection from lead shot exposure. The Final SEIS establishes as the preferred alternative a phased ban on the use of lead shot for waterfowl and coot hunting beginning in the 1986-87 hunting season that culminates in a nationwide ban in the 1991-92 season.

DATES: Effective on July 7, 1986. A record of decision (ROD) will be published in the **Federal Register** within 35 days of the date of this Notice to establish selection of and justification for a preferred alternative.

ADDRESSES: Copies of this Final SEIS may be obtained by making a written request to Director, (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 536, Matomic Building, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Rollin Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Matomic Building, Room 536, Washington, DC 20240 (202/254-3207).

SUPPLEMENTARY INFORMATION: On December 19, 1985, the FWS published in the **Federal Register** (50 FR 51752) a Notice of Availability of a Draft SEIS on the use of lead shot for hunting migratory birds in the United States. Alternative V of the Draft SEIS evaluated the option of a total nationwide ban on the use of lead shot for *all* migratory game bird hunting (not only waterfowl hunting), focusing specifically on implementation of a 4-year phase-in based on the four waterfowl Flyways. Such a phase-in was the primary mechanism considered for accomplishing a nationwide ban, and had been evaluated in the 1976 FES. Implementation of a national ban in a shorter period was discussed, but not given in-depth consideration due to the judgement that it was impractical. Public comment received in response to the Draft SEIS indicated considerable public support for the concept of a nationwide ban alternative. Moreover, the public comments presented information indicating that this alternative might be superior as a long-term strategy to the Draft SEIS' preferred alternative, and argued convincingly that a nationwide ban should be considered as the preferred alternative in the Final SEIS. The public comments also suggested that the FWS should evaluate phase-in scenarios other than those carried out on a Flyway-by-Flyway basis.

This public input on the Draft SEIS led the FWS to reevaluate its position. As this reevaluation progressed, the FWS several times extended or reopened the opportunity for public comment (51 FR 3086; 51 FR 10415). Moreover, Following receipt of a detailed request for an absolute ban on lead shot in waterfowl hunting, to take effect in the 1987-88 season, the FWS published a summary of the request and its contentions, and sought additional public input (51 FR 6012). In that notice, the FWS indicated that comments on the requested ban would be considered in the preparation of the Final SEIS; copies of the notice were transmitted directly to States, major conservation organizations and individuals who had shown an interest in the alternatives under consideration. This comment period was also extended (51 FR 10415). During this last extension, the FWS was informed of support among State fish and wildlife professionals (members of the International Association of Fish and Wildlife Agenices [IAFWA]) for the nationwide lead shot ban alternative. The IAFWA endorsed a 5-year phase-in with a deadline one year longer than the Draft SEIS' Alternative V and one that considered only waterfowl hunting, not all migratory game bird hunting. IAFWA suggested that the mechanics of the phase-in be altered to focus, not upon Flyways, but upon a hunting intensity criterion, so that the most intensely hunted counties would be the first to be monitored and/or converted to nontoxic shot.

Based upon this pubic input, the FWS made several changes, which are reflected in this Final SEIS. First, the discussion of the lead shot ban alternative was expanded, with subalternatives, to clarify that there was more than one approach to accomplishing that action. Second, the mechanism of a ban on lead shot use in less than four years, e.g., during the 1987-88 season, was moved from the Draft SEIS' list of alternatives considered but not given in-depth analysis, and discussed as one of the subalternatives. Third, the FWS chose to designate as "preferred" a combination of the Draft SEIS' preferred alternative approach for the 1985-86 and 1986-87 hunting seasons with the Draft SEIS' alternative of a phased-in lead shot ban, using the IAFWA-supported structure, for the 1987-88 subsequent hunting seasons.

The preferred alternative of the Final SEIS, Alternative VII_3, proposes to: utilizing a phasing approach, prohibit the use of lead shot for waterfowl and

coot hunting in zones where a known or potential lead poisoning problem is identified by the FWS using criteria for waterfowl. Phasing will culminate in a total, nationwide ban on the use of lead for waterfowl and coot hunting by the 1991–92 waterfowl hunting season. The current FWS strategy, utilizing criteria for identifying areas necessary for bald eagle and waterfowl protection, is an integral part of this alternative and would apply for the 1986–87 waterfowl hunting season.

The FWS has selected Alternative VII_3 as the preferred action because it has the best balance of benefits overall as demonstrated by impact analyses and by the criteria established to compare effects of alternative actions. Only Alternative V ranks out higher; however, it is the FWS position that insufficient data are currently available to support this alternative, which seeks to eliminate the use of lead shot for *all* migratory game bird hunting. Alternative VII_3 has major long- and short-term benefits for waterfowl and bald eagles; decrease in and eventual discontinuation of the use of lead shot in waterfowl hunting is expected to dramatically reduce the exposure of bald eagles and waterfowl to this source of mortality. The net result of this reduction of exposure to spent lead shot is expected to be larger and healthier populations of bald eagles, waterfowl and other hunted or nonhunted wetland species, and a resultant improvement in hunter and nonhunter satisfaction regarding opportunity to enjoy the migratory bird resource both in the U.S. and in other countries. This alternative also will result in a reduction in lead deposited in wetlands, lead uptake by wetland vegetation, and total lead available to all wildlife. Alternative VII_3, unlike some other alternatives, protects bald eagle and waterfowl populations in a priority manner, and is most sensitive to the effect that a timely nationwide conversion would have on the economy, public agency programs, the hunting public, and on the resource itself. The FWS Section 7 biological opinion, required under the Endangered Species Act, further supports this action and finds that implementation of Alternative VII_3 is not likely to jeopardize the continued existence of the bald eagle.

Dated: June 24, 1986.

Frank Dunkle,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 86–14628 Filed 6–26–86; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 20

Migratory Bird Hunting; Criteria and Schedule for Implementing Nontoxic Shot Zones for 1987–88 and Subsequent Waterfowl Hunting Seasons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: When consumed by waterfowl, bald eagles and other migratory birds, spent lead shot from shotshells often produce lead poisoning and death. As lead poisoning is a significant annual mortality factor for certain species of migratory birds that indirectly results from sport harvest of waterfowl, the annual process of deciding whether, where, and how migratory bird hunting will be allowed under the Migratory Bird Treaty Act must take into account where further curtailment of shot deposition is necessary to protect these species from lead shot exposure and the resultant mortality. To eliminate lead poisoning as a major mortality factor in waterfowl, bald eagles, and certain other migratory birds, the Fish and Wildlife Service (FWS) is proposing to ban the use of lead shot for hunting waterfowl nationwide by the 1991–92 season. This proposed rule describes the mechanism and schedule by which the nationwide ban on the use of lead shot for hunting waterfowl would be implemented.

DATE: The comment period for this proposal will close on July 28, 1986.

ADDRESSES: Submit comments to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Matomic Building—Room 536, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Matomic Building—Room 536, Washington, DC 20240 (202/254–3207).

SUPPLEMENTARY INFORMATION: Wildlife biologists and others have known at least for the last 100 years that spent lead shot deposited during hunting can cause sickness and death when ingested by waterfowl. In earlier decades when waterfowl populations were greater in number this incidental hunting-related mortality was judged too insignificant to warrant measures to attempt to eliminate the problem.

Increasingly, continental waterfowl populations have come under stress from destruction and degradation of their habitat, periodic adverse weather cycles and disease on crowded migration and wintering habitats. By the 1960s and 1970s it became obvious to wildlife managers that there was a need to find an alternative to lead shot because of its toxicity. In 1976, the Department of the Interior published a Final Environmental Statement (FES–76) on the Proposed Use of Steel Shot for Hunting Waterfowl in the United States. The action presented at that time sought to limit further disposition of lead shot in areas used by waterfowl in order to eliminate lead poisoning from ingested lead shot as a significant mortality factor among those birds. This action was and continues to be implemented 10 years after it was first presented.

Since 1976, nontoxic shot has been required for hunting waterfowl at numerous locations throughout the United States. These requirements are now reflected in both State and Federal hunting regulations. In 1985, about 30 percent of the average annual waterfowl harvest in the United States occurred in designated nontoxic shot zones in 33 States. Acceptance of this program has occurred among waterfowl hunters in some but not all States.

The majority of wildlife managers and many hunters understand the need for conversion to a nontoxic shot in order to maintain waterfowl populations. However, there are those who believe that steel shot (currently the only approved nontoxic shot available) is not the answer, that it will damage their guns and cripple more waterfowl than lead shot. These concerns are true in part. Shotguns with thin-walled barrels or barrels made of soft steel should not be used for firing steel loads. However, modern shotguns available from the major American arms manufacturers and others are safe for use with steel shot. Numerous tests relating to crippling loss with steel shot have produced results as varied as their individual objectives. There does not appear to be a greater crippling loss with steel shot.

Criticism about the need to convert to nontoxic shot also centers on the lack of hunter-observed, lead-poisoning mortality. This results from the fact that most lead poisoning occurs after the hunting season when waterfowl can feed undisturbed on hunted areas where shot has been deposited recently and the fact that lead poisoning is a slow, debilitating disease that makes its victim susceptible to predation or other diseases. When encountered, these birds are often mistaken for cripples. Although these factors make it difficult to provide absolute numbers of lead poisoned birds, it is known that significant losses are occurring annually

across the nation, and they are controllable as an acceptable nontoxic substitute for lead shot is available.

Since FES–76 was issued, examinations of dead bald eagles have demonstrated that they are dying from lead poisoning also. The major source of this lead exposure is believed to be lead pellets embedded in or ingested by hunter-crippled or -killed waterfowl. To date, 119 lead-poisoned bald eagles have been diagnosed as dying from lead poisoning by the FWS National Wildlife Health Laboratory; lead shot is considered to be the most probable source of the lead.

In making the annual decision whether, where, and how migratory bird hunting will be allowed under the terms of the Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755) the Secretary of the Interior is required to determine the capability of waterfowl and other migratory bird resources to sustain a sport harvest throughout the various portions of their range. The Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; 87 Stat. 884) requires Federal agencies to conserve endangered species and avoid jeopardizing their continued existence; the Secretary must consider where it is necessary to require nontoxic shot in order to reduce exposure of bald eagles to lead shot in their waterfowl prey. If a determination is made that the use of lead shot must be avoided for the migratory bird hunting to remain in compliance with the requirements of these statutes, the Secretary must implement a program that meets those requirements.

As previously discussed, the FWS has implemented a nontoxic shot program since 1976 to alleviate the lead poisoning problem in waterfowl, Only in the past few years, since FES–76 was completed, has it become apparent that lead poisoning from waterfowl hunting is manifesting itself in the endangered and threatened bald egale populations of the United States. Accordingly, the FWS has completed a Final Supplemental Environmental Impact Statement (SEIS) on the use of lead shot for hunting migratory birds in the United States, in which a complete review and analysis of the lead poisoning problem in migratory birds is made. Evidence is presented in the Final SEIS that lead poisoning among waterfowl and bald eagles is of sufficient magnitude that a move to ban the use of lead shot for waterfowl hunting in warranted.

The Draft SEIS evaluated the option (called Alternative V in the SEIS) of a total nationwide ban on the use of lead shot for *all* migratory game bird hunting (not only waterfowl hunting), focusing specifically on implementation of a 4-year phase-in based on the 4 waterfowl Flyways. Such a phase-in was the primary mechanism considered for accomplishing a nationwide ban, and had been evaluated in FES–76. Implementation of a nationwide ban in a shorter time period was discussed, but not given in-depth consideration due to the judgment that it was impractical. Public comment received in response to the Draft SEIS indicated considerable public support for the nationwide ban alternative. Moreover, the public comments presented information indicating that this alternative might be superior as a long-term strategy to the Draft SEIS' preferred alternative, and argued convincingly that a nationwide ban should be considered as the preferred alternative in the Final SEIS. The public comments also suggested that the FWS should evaluate phase-in scenarios other than those carried out on a Flyway-by-Flyway basis.

This public imput on the Draft SEIS led the FWS to reevaluate its position. As this re-evaluation progressed, the FWS several times extended or reopened the opportunity for public comment (51 FR 3086; 51 FR 10415). Moreover, following receipt of a detailed request for an absolute ban on lead shot in waterfowl hunting, to take effect in the 1987–88 season, the FWS published a summary of the request and its contentions, and sought additional public imput (51 FR 6012). In that Notice, the FWS indicated that comments on the requested ban would be considered in the preparation of the Final SEIS; copies of the Notice were transmitted directly to States, major conservation organizations and individuals who had shown an interest in the alternatives under consideration. This comment period was also extended (51 FR 10415). During the last extension, the FWS was informed of support among State fish and wildlife professionals (members of the International Association of Fish and Wildlife Agencies [IADWA]) for the lead shot ban alternative. The IAFWA endorsed a 5-year phase-in with a deadline one year longer than the Draft SEIS' Alternative V and one that considered only waterfowl hunting, not all migratory game bird hunting. IAFWA suggested that the mechanics of the phase-in be altered to focus, not upon Flyways but, upon a hunting intensity criterion, so that the most intensely hunted counties would be the first to be monitored and/or converted to nontoxic shot.

Based upon this public imput, the FWS made several changes that are reflected in the Final SEIS. First, the discussion of the lead shot ban alternative was expanded, with subalternatives, to clarify that there was more than one approach to accomplishing that action. Second, the mechanism of a band on lead shot use in less than 4 years, e.g., during the 1987–88 hunting season, was moved from the Draft SEIS' list of alternatives considered but not given in-depth analysis and discussed as one of the subalternatives. Third, The FWS chose to designate as the new preferred alternative a combination of the Draft SEIS' perferred alternative approach for the 1985–86 and 1986–87 hunting seasons with the Draft SEIS' alternative of a phased-in lead shot ban, using the IAFWA-supported structure, for the 1987–88 and subsequent husting seasons.

The preferred alternative of the Final SEIS, Alternative VII_3, proposes to, utilizing a phasing approach, prohibit the use of lead shot for waterfowl hunting in zones where a known or potential lead poisoning problem is identified by the FWS using criteria for waterfowl. Phasing will culminate in a total, nationwide ban on the use of lead for waterfowl and coot hunting by the 1991–92 waterfowl hunting season. The current FWS strategy, utilizing criteria for identifying areas necessary for bald eagle and waterfowl protection, is an integral part of this alternative and would apply for the 1986–87 waterfowl hunting season.

The FWS prefers Alternative VII_3 because it has the best balance of benefits overall as demonstrated by impact analysis and by the criteria established to compare effects of alternative actions. Alternative VII_3 has major long- and short-term benefits for waterfowl and bald eagles; decrease in and eventual discontinuation of the use of lead shot in waterfowl hunting is expected to dramatically reduce the exposure of bald eagles and waterfowl to this source of mortality. The net result of this reduction of exposure to spent lead shot is expected to be larger and healthier populations of bald eagles, waterfowl and other hunted or nonhunted wetland species, and a resultant improvement in hunter and nonhunter satisfaction regarding opportunity to enjoy the migratory bird resource both in the United States and in other countries. This alternative also will result in a reduction in lead deposited in wetlands, lead uptake by wetlands vegetation, and total lead available to all wildlife. At the same time, its phasing-in feature appears to have significant advantages over an alternate proposal, a complete lead-shot ban for the 1987–88 season. A phased-in

program is likely to meet with greater public acceptance, as comments on the SEIS and on a petition for a 1986–87 ban have indicated. Increased acceptance results in greater hunter compliance with nontoxic shot regulations. Greater acceptance by State agencies, as illustrated by the IAFWA vote, in turn translates into more vigorous enforcement. Almost all manpower for enforcement of steel shot regulations comes from the aid of deputized State agents. The phase-in will also minimize economic dislocations, allow time for educational programs and permit dissemination of development of safety information relative to handloading. The difference in impact on eagles and waterfowl between a nationwide ban effective 1987–88 and one effective 1987–91 appears small and likely immeasurable. The phase-in approach will cover about 69% of the waterfowl harvest index in 1987–88 in any event. For those reasons, the FWS chooses to propose the five-year IAFWA phase-in alternative as the best mechanism for moving to an elimination of lead shot in waterfowl hunting.

This rule would implement the preferred alternative in the Final SEIS by proposing criteria and a schedule for establishing nontoxic shot zones for the 1987–88 waterfowl hunting season and beyond, culminating in a nationwide ban on the use of lead shot by the 1991–92 hunting season. The decision criteria noted in the amendatory language of this rule are an outgrowth of those published at 50 FR 30849 and are discussed also in the Final SEIS.

Since 1978, the FWS has not been able to implement or enforce nontoxic shot zones in a State without approval of the appropriate State authorities. This restriction on use of funds by the FWS has been contained in the Interior Department's Appropriations Act each year since 1978 (Pub. L. 98–473, Sec. 305). As a consequence of this restriction the FWS can only propose additions and deletions to the designated nontoxic shot zones for waterfowl and coot hunting with the approval of State authorities. If States do not approve nontoxic shot zones when current FWS guidelines and criteria indicate that such zones are necessary to protect migratory birds, the FWS will not open the areas to waterfowl and coot hunting. This action is pursuant to the FSW's responsibilities under the Migratory Bird Treaty Act and, in the case of zones proposed for bald eagle protection, the Endangered Species Act, and the Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. 668–668d; 54 Stat. 250).

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to complete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant affect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

In accordance with Executive Order 12291, a determination has been made that this rule is not a major rule. In accordance with the Regulatory Flexibility Act, a determination has been made that this rule, if implemented without adequate notice, could result in lead shot ammunition supplies for which there would be local demand. Conversely, nontoxic shot zones could conceivably be established where little or no nontoxic shot ammunition would be available to hunters. The FWS believes, however, that adequate notice has been provided and that sufficient supplies of nontroxic shot ammunition will be available to hunters. Therefore, this rule would not have a significant economic affect on a substantial number of small entities.

Paperwork Reduction Act

This rule will not result in the collection of information from or place recordkeeping requirements on the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Environmental Considerations

As noted above, pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), a Final SEIS on the use of lead shot for hunting migratory birds in the United States has been completed. Pursuant to the Endangered Species Act, a section 7 consultation was done on the potential impacts of this action on bald eagles and is included in the Final SEIS. These documents are available for public inspection and copying in Room 536 Matomic Building, 1717 H Street, NW., Washington, DC 20240, or may be obtained by mail, addressing the Director at the above location.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Accordingly, for the reasons set out in the preamble, it is proposed to amend Part 20, Subchapter B, Chapter I of Title 50 of the Code of Federal Regulations as set forth below:

PART 20—[AMENDED]

1. The Authority citation for Part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712), unless otherwise noted.

2. Subpart M would be added to read as follows:

Subpart M—Criteria and Schedule for Implementing Nontoxic Shot Zones for 1987–88 and Subsequent Waterfowl Hunting Seasons

Sec.

Subpart M—Criteria and Schedule for Implementing Nontoxic Shot Zones for 1987–88 and Subsequent Waterfowl Hunting Seasons

§ 20.140 Purpose and scope.

The regulations of this Subpart apply to the designation, implementation and enforcement of nontoxic shot zones for waterfowl hunting in the United States for the 1987–88 and subsequent hunting seasons. The regulations of this Subpart do not apply to the issuance of regulations under Part 21 of this title or under Subports A through J and L and N of this Part.

§ 20.141 Definitions.

As used in this Subpart:

(a) *Nontoxic Shot Zones* means all land and water areas within the boundaries of the United States where the use of shotshells loaded with nontoxic shot is required for waterfowl hunting.

(b) *Waterfowl* means the Anatidae

(ducks, geese [including brant], and swans) and coot (*Fulica americana*).

(c) *Nontoxic Shot* means any shot-type that does not cause sickness and death when ingested by migratory birds as determined by criteria established under § 20.134. The only nontoxic shot currently approved by the Director, U.S., Fish and Widlife Service, is steel shot.

§ 20.142 Applicability.

This Subpart applies to persons of all ages engaged in waterfowl hunting in the established nontoxic shot zones and to all of the counties within the separate States, without exception. Possession and use of shotshells containing nontoxic shot, for all legal gauges of shotguns, is required for waterfowl hunting in nontoxic shot zones. The Secretary of the Interior, acting through the Fish and Wildlife Service, will not open a county to waterfowl hunting where the Fish and Wildlife Service is prevented from establishing the county as a nontoxic shot zone under the criteria of this Subpart.

§ 20.143 Criteria and schedule for conversion to nontoxic shot.

The criteria and procedures specified below will be followed in the conversion nationwide to the use of nontoxic shot for waterfowl hunting. As of the 1991–92 season, nontoxic shot will be required in *all* waterfowl hunting in the United States.

(a) Beginning in the 1987–88 waterfowl hunting season, implementation of nontoxic shot zones is on a decremental basis with regard to the intensity of average annual waterfowl harvest per square mile of a particular county; the initial harvest level triggering monitoring/conversion is 20 or more birds per square mile, decreasing by 5 birds per square mile each successive waterfowl hunting season until the nationwide ban season is reached in 1991–92. Table I illustrates the schedule for conversion to nontoxic shot.

TABLE I.—SCHEDULE FOR MONITORING AND CONVERSION TO NONTOXIC SHOT ZONES FOR HUNTING WATERFOWL

Average annual waterfowl harvest per Mi² (by county)	Hunting season in which—		
	Monitoring must begin to defer implementation	Qualifying areas converted	Nontoxic shot required in deferred areas
20 or more	1985–86	1987–88	1991–92
15 or more	1986–87	1988–89	1991–92
10 or more	1987–88	1989–90	1991–92
5 or more	1988–89	1990–91	1991–92
less than 5	1989–90	1991–92	1991–92

* Average harvest will be based on Carney, et al. 1983 (Distribution of waterfowl species harvested in States and counties during 1971–80 hunting seasons. U.S. Fish and Wildlife Service Special Scientific Report-Wildlife No. 254).

(b) If States, through monitoring, demonstrate that neither of the following 2 decision criteria are met, in a sample of at least 100 birds of waterfowl species susceptible to lead poisoning, in a county scheduled for conversion to a nontoxic shot zone, that conversion can be deferred until (but not beyond) the 1991–92 hunting season:

(1) Dead waterfowl; 3 or more individual specimens confirmed as lead poisoned during the monitoring year, nor

(2) Ingested shot in gizzards; 5 percent or greater of the sample have gizzards with 1 or more lead shot, and

(i) Liver lead; 5 percent or greater of the sample have livers with concentrations of lead 2 ppm or higher (wet weight),

(ii) Blood lead; 5 percent or greater of the sample have blood with concentrations of lead 0.2 ppm or higher (wet weight), or

(iii) Protoporphyrin; 5 percent or greater of the sample have blood with protoporphyrin concentrations of 40 μg/dl or higher.

(c) There is no deferral past the 1991–92 nationwide conversion year. States may elect to forego monitoring and/or otherwise convert to nontoxic shot zones on a countywide or statewide accelerated basis.

(d) Portions of counties that were not included in nontoxic shot zones for the 1986–87 waterfowl hunting season will be converted in the year that the counties would be triggered on the basis of their total county waterfowl harvest density.

Dated: June 24, 1986.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildife and Parks.

[FR Doc. 86–14629 Filed 6–26–86; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 640

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NFMS), NOAA, Commerce.

ACTION: Notice of public hearing.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a public hearing on spiny lobster to discuss options for changing the length of the closed season and possible changes to the sports diving season date.

DATE: The hearing will begin at 7:00 p.m., and will adjourn at 10:00 p.m., on Monday, July 7, 1986.

ADDRESS: The hearing will take place in the Brasilia Room at the Holiday Inn, Brickell Point, 495 Brickell Avenue, Miami, Florida.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228–2815.

Dated: June 23, 1986.

Richard B. Roe,

Director, Office of Fisheries Management.

[FR Doc. 86–14555 Filed 6–26–86; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 124
Friday, June 27, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Conduct of 1986 Poll of Wheat Producers

AGENCY: USDA.

ACTION: Notice.

SUMMARY: This notice announces the procedure for the conduct of a poll to determine whether wheat producers favor the imposition of mandatory limits on the production of wheat. Wheat poll ballots will be mailed on June 26, 1986, to producers with 1986 wheat crop acreage bases. If producers who produced a crop of wheat during at least one of the 1981 through 1985 crop years for wheat on a farm with a wheat acreage hase of at least 40 acres do not receive a ballot, they may obtain ballots from county Agricultural Stabilization and Conservation Service (ASCS) offices. Section 301 of the Food Security Act of 1985 (the "1985 Act") provides for the conduct of a wheat poll by the Secretary of Agriculture by June 1, 1986.

DATE: June 24, 1986.

ADDRESS: Dr. Howard C. Williams, Director, Commodity Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Bruce R. Weber, Agriclutural Marketing Specialist, Commodity Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, DC 20013 or call (202) 447–4146.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Department Regulation No. 1512–1 and has been designated as "non-major". It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The notice is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Section 301 of the 1985 Act provides that, not later than July 1, 1986, the Secretary of Agriculture shall conduct a poll, by mail ballot, of eligible producers of wheat to determine whether such producers favor imposition of mandatory limits on the production of wheat that will result in wheat prices that are not lower than 125 percent of the cost of production (excluding land and residual returns to management), as determined by the Secretary. To be eligible to vote in the poll, a producer must have produced a crop of wheat during at least one of the 1981 through 1985 crop years for wheat on a farm with a wheat crop acreage base of at least 40 acres. The poll shall be conducted in such manner as will reflect the types and sizes of farm operations (including livestock), distinctions amoung types and classes of wheat produced, and such demographic and other information that is determined necessary to reflect State, regional and national responses.

This notice sets forth the procedure with respect to conduct of the wheat poll.

Conduct of Wheat Poll

Ballots will be mailed on June 25, 1986 to producers of wheat on a farm with a 1986 wheat crop acreage base.

Producers who have produced a crop of wheat during at least one of the 1981 through 1985 crops of wheat on a farm with a wheat crop acreage base of at least 40 acres are eligible to vote in the poll required to be conducted by Section 301 of the 1985 Act. If such a producer does not receive a ballot by mail, the producer may obtain a ballot from the local county ASCS office.

About 50 pecent of producers on farms with 1986 wheat crop acreage bases have bases of less than 40 acres. Accordingly, it has been determined that, in order to conduct an accurate and representative poll of wheat producers, the views of all producers of the 1986 crop, although not eligible to vote in the poll required to be held, should be obtained since it would be unfair to disregard these producers' reaction to such a change in farm program policy.

In order to be counted in the poll, producers' completed ballots must be returned to the County ASCS Offices in person not later than July 14 or returned by mail, postmarketed by July 14, 1986. The results of the wheat poll will be tabulated to reflect separately the responses of eligible producers as specified in section 301 of the 1985 Act and of other producers.

Authority: Section 301 of the Food Security Act of 1985, 99 Stat. 1378.

Signed at Washington, DC, on June 16, 1986.

Richard E. Lyng,

Secretary.

[FR Doc. 86–14591 Filed 6–24–86; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

National Advisory Committee for Tobacco Inspection Services; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) announcement is made of the following Committee meeting:

Name: National Advisory Committee for Tobacco Inspection Services.

Date: July 14, 1986.

Place: U.S. Department of Agriculture, Agriculture Marketing Service, Tobacco Division, Training Laboratory, Room 402, 333 Waller Avenue Lexington, Kentucky 40504.

Time: 1 p.m.

Purpose: To review various regulations issued pursuant to the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.*) to hear from individuals who have requested to address the Committee and who have requested to address the Committee and who have been prescheduled to do so, and to discuss the level of tobacco inspection and related services. In particular, the Committee will address the level of inspection services to burley markets, that is, he distribution of the graders among markets.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW., U.S. Department of Agriculture, Washington, DC 20250, (202) 447–2567, prior to the meeting. Written statements may be submitted prior to or at the meeting.

Dated: June 25, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-14713 Filed 6-26-86; 9:17 am]

BILLING CODE 3410-02-M

Forest Service

Mono Basin National Forest Scenic Area Private Property Development Guidelines

AGENCY: Forest Service, USDA.

ACTION: Proposed guidelines; request for comments.

SUMMARY: The Forest Service proposes a set of guidelines for the development of private property within the boundaries of the Mono Basin National Forest Scenic Area. The guidelines are written to comply with direction set forth in the California Wilderness Act of 1984, which established the Scenic Area. Application of these standards would determine if proposed private property development is compatible with the purposes of the Scenic Area. Properties determined to be incompatible are subject to acquisition by the Federal Government without the consent of the owner.

DATE: Comments must be received by July 28, 1986.

ADDRESS: Send written comments to John W. Ruopp (2370), Recreation Staff Officer, Inyo National Forest, 873 N. Main Street, Bishop, CA 93514.

FOR FURTHER INFORMATION CONTACT: Marcus Petty, Recreation Staff, Washington, DC, (202) 447-7754 or Nancy Upham, Scenic Area Manager, Lee Vining, CA, (619) 647-6525.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the California Wilderness Act (16 U.S.C. 478, 511) establishing the Mono Basin National Forest Scenic Area, the Forest Service proposes guidelines that would provide the basis for determinations of detrimental or incompatible uses of private land within Scenic Area. The guidelines are to assist the Forest Service and landowners in meeting the statutory management objectives to protect the natural, scenic, ecologic, geologic and cultural resources of the area.

Under section 303(a) of the California Wilderness Act, the Secretary is authorized to acquire all lands and interests therein within the boundary of the Scenic Area by donation, exchange, or purchase with donated or appropriated funds, except that:

1. Any lands or interests therein within the boundary of the Scenic Area which are owned by the State of California or political subdivision thereof (including the city of Los Angeles) may be acquired only by donation or exchange; and

2. Lands or interests therein within the boundary of the Scenic Area which are not owned by the State of California or any political subdivision thereof (including the city of Los Angeles) may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is deterimental to the integrity of the Scenic Area or which is otherwise incompatible with the purpose of this title.

These proposed guidelines would provide a process for determining compatibility of private land uses with the intent of the Act. Lands which are being used in a compatible manner will be certified by the Forst Service. Certification protects the landowner from acquisition by the Federal Government without the owner's consent. Certification of private property within the Scenic Area, or decertification with subsequent Federal land acquisition is determined by these guidelines.

These proposed guidelines were developed after meetings were held with Scenic Area landowners and the local community of Lee Vining. The Mono County Planning Department advised how to design the guidelines to be consistent with County zoning ordinances in terminology and some specific land use requirements. The Scenic Area Advisory Board was consulted and their input incorporated into the proposed guidelines

Public comment on the proposed guidelines is invited. The final guidelines will be appended to the comprehensive management plan being developed for the Scenic Area.

Dated: June 19, 1986.

R. Max Peterson,

Chief.

Proposed Guidelines for the Development of Private Lands Within the Mono Basin National Forest Scenic Area

Section 1—General

(a) *Introduction.* These guidelines shall provide standards for the use and development of private lands within the Mono Basin National Forest Scenic Area (hereafter "Scenic Area") as provided by the California Wilderness Act (Pub. L. 98-425; 98 Stat. 1632) hereafter, "Act". Private property meeting these standards shall be deemed compatible with the purposes of the Scenic Area.

(b) *Purposes of the Scenic Area.* Congress has directed the Secretary of Agriculture to manage the Scenic Area to protect its geologic, ecologic, cultural, natural, and scenic resources.

(c) *Definitions.*

(1) "Accessory building" means a subordinate building incidental to main building on the same lot which is not for habitation.

(2) "Attached" as applied to structural additions means structures which share at least one wall with the original structure and the height does not exceed that of the original. As applied to breezeways, attached structures will be permitted if they do not exceed 10 feet between structures where the structures are connected by a common roofline and the entire area directly between both structures is considered part of the total square footage.

(3) "Certified or certification" means a determination by the Forest Service that a use of a property is compatible with the purposes of the Scenic Area.

(4) "Continuous use" means any building or structure used full time or seasonally (at least 3 months of the year) prior to June 1, 1984.

(5) "Existing use" means a use, including development or practice, that was occurring as of June 1, 1984 (or if seasonal, within the twelve (12) months prior to June 1, 1984) by, or with the consent of, the landowner, consistent with applicable laws and regulations; including, but not limited to local zoning and State and local pollution abatement requirements.

(6) "Expansion" means an increase in the square footage of a structure or an increase in the size, area, or effect (visual, noise, etc.) of any improvement or disturbance.

(7) "Guest housing" means a second structure on a lot designed for habitation.

(8) "Improved property" means a parcel containing any improvements requiring a building permit (residence, accessory building, fence or other non-earth development, etc).

(9) "Improvements" means any manmade structure of a permanent or semi-permanent nature without regard to size.

(10) "Private property" means all land owned by other than the Federal Government, the State of California, or any subdivision thereof (including the City of Los Angeles).

(11) "Reconstruction" means remodeling (including replacement of worn or damaged items) including roofing, siding, and other structural

replacement up to and including total building removal and reconstruction.

(12) "Secondary housing" or guest housing means a second structure on a lot designed for habitation.

(13) "Secretary" means the Secretary of Agriculture acting by or through the Forest Service, Mono Lake Ranger District, Inyo National Forest.

(14) "Serviceable" means the condition of a building or structure which renders it ready for its designed use (i.e. habitation, storage, etc.) for the present and in the future.

(15) "Significant geologic features" includes, but is not limited to, craters, volcanic domes, fissures, hot water and steam vents, the eastern Sierra escarpment as a whole, and all tufa within the Scenic Area.

(16) "Structure" an improvement in such condition that it is available for its designed use.

(17) "Unimproved property" means a parcel without improvements. Minor earthwork which does not require a county grading permit does not render property improved.

(18) "Use" means a legal activity or development, associated with a parcel of land.

(19) "Use and development plan" includes all documents required by Mono County and all specific details the District Ranger deems necessary.

Section 2—Land Use Classifications

(a) *General.* For purposes of managing the Scenic Area and achieving the statutory objectives for the area, the Forest Service shall classify the lands within the Scenic Area in one of three land use categories: Natural, Developed, and Relicted as shown on the Land Use Category Map dated May 7, 1985, on file and available for public inspection in the office of the District Ranger, Mono Lake Ranger District on the Inyo National Forest, Lee Vining, CA.

(b) *Relicted Land Use Category:* This category consists of all lands below elevation 6,417 feet.

This land use category includes exposed lake bottom containing open vistas, outstanding geologic features and wildlife habitat. Only isolated development exists and is essentially limited to scattered interpretive facilities, boat access and range and wildlife improvements. Management emphasis on lands in this category is to protect and interpret the natural ecosystems, cultural values and outstanding geologic features of the area.

(c) *Developed Land Use Category:* This category consists of lands north of Lee Vining in a strip approximately one mile each side of US 395 and above elevation 6,417 feet.

This area is characterized by a predominently rural and natural appearing landscape with some developments and structures. Private parcels in this area have historically been used for commercial, residential and community purposes. Management emphasis on lands in this category is to maintain the rural and natural appearing landscape while allowing and providing for recreational and interpretive developments where appropriate. Limited further development and continued use of privately owned land compatible with the purposes of the Scenic Area are consistent with the management emphasis for this portion of the Scenic Area.

(d) *Natural Land Use Category:* This category includes all lands within the Scenic Areas not included in the Relicted and Developed Land Use Categories.

These lands are predominantly natural in appearance, containing essentially uninterrupted vistas, outstanding geologic features and extensive rangeland and grazing with no significant impacts on wildlife habitats, ecologic processes and dispersed recreational uses. Management of lands in the natural category emphasizes protection of the natural character, ecosystems, cultural values and outstanding geologic features; and providing recreational and interpretive facilities and opportunities consistent with the purposes and values for which the Scenic Area was established. Management of the lands in this category also recognizes compatible development and resource uses.

Section 3—Certification

(a) *General.* Private lands used in a manner consistent with the land use standards of these guidelines are deemed compatible with the purposes of the Scenic Area. The District Ranger certifies that the land use is consistent with the management standards. Uses will be recorded by diagrams, written descriptions and photographs, which will provide accurate base line data from which new construction, reconstruction or expansion will be reviewed. Landowners who have not been certified shall apply to the Forest Service for certification prior to any change in use or development of their property. The Secretary will not acquire by condemnation certified property within the Scenic Area.

(b) *Preexisting uses.* All land uses existing on June 1, 1984, shall be depicted on Maps and in records at the District Ranger's office, shall be deemed compatible, and shall be certified by letter to the landowner.

(c) *New Uses and Developments.* All new uses and developments are subject to certification, including changes in uses existing on June 1, 1984. All new uses after that date shall be certified if they are confined to locations where they may be conducted without detracting from the purposes and objectives of the Scenic Area. Any landowner who proposes to change uses or develop property shall submit to the District Ranger a use and development plan setting forth the manner in which the property is proposed to be developed and proposed uses of the property.

If the District Ranger determines that the development and use plan conforms to the applicable guidelines established for the land use category in which the property is located, the District Ranger will declare the proposal non-detrimental and compatible with the purposes of the Scenic Area.

Landowners may develop new recreation and interpretive facilities in locations deemed appropriate through the Comprehensive Management Plan. Such facilities must be certified.

(d) *Coordination with County Zoning Ordinances.* If the County enacts zoning regulations consistent with these guidelines, the District Ranger may coordinate compatibility determinations with the County approval process in order to reduce duplication of review and facilitate approvals. In such an event, the Forest Service would effectively be providing staff input to the County process, and would certify compatible uses, upon approval by the County.

Should the County grant a zoning variance in conflict with these guidelines, the Secretary may acquire the property without consent of the owner if the property use is otherwise deemed incompatible.

(e) *Denial or Rescission of Certification.* The District Ranger shall deny or rescind certification when a change in use or developments results in non-conformance with applicable standards.

(f) *Appeals.* Any landowner who is adversely affected by a decision of the Forest Service to grant or deny certification may appeal that decision pursuant to the rules governing administrative appeals set forth in 36 CFR 211.18. Address initial appeals to the District Ranger, Mono Lake District, Inyo National Forest, P.O. Box 10, Lee Vining, California 93514.

Section 4—Compatibility Standards

(a) *Existing Improvements.* As required by section 303(b)(2) of the Act, the District Ranger shall certify the following uses as compatible with the purposes of the Scenic Area:

(1) Development and uses existing as of June 1, 1984.

(2) Reconstruction and expansion of buildings, support systems and facilities existing on June 1, 1984, and new construction of support systems and facilities as follows:

(A) Reconstruction of an existing building.

(B) Construction of attached structural additions, not to exceed 100 per centrum of the square footage of the original building, and

(C) Construction of reasonable support development such as a roads, parking, water and sewage systems.

(b) *General Compatiblity Standards.* For land use to be compatible and remain certified, landowners' use of their property must conform to the following standards:

(1) *Disposal of Wastes:* Landowners provide for disposal of solid and liquid waste originating on or resulting from use of the property, consistent with State and County law.

(2) *Utilities:* Landowners place underground all utility modifications, expansion, replacement, or new utilities, (including cable TV). Any utility structures required to be above ground (e.g. statellites, windmills, etc.) are painted in earth tones and properly placed to be screened by vegetation and/or topography.

(3) *Discharge of Pollutants:* A landowner who discharges a pollutant, as defined by State law, has required permits.

(4) *Use of Travel Trailers:* The landowner uses or stores travel trailers on private property within the Scenic Area as follows:

(A) For fourteen day recreational use,

(B) Upon a finding of special circumstances, one year during construction of a residence.

(C) A recreation travel trailer may be stored by an owner at the owner's residence.

(5) *Land Disturbance:* Any new land disturbance (movement of 200 cubic yards of soil or more, or clearing land 10,000 square feet or more) and/or vegetative removal on other than a building site (e.g. tree farm, alfalfa field, mining roads, etc.) has been cleared through the District Ranger.

(6) *Mobile Homes:* Any mobile home (manufactured housing) used by a landowner:

(A) Is on permanent foundation,

(B) Has a pitched roof,

(C) Is paneled with wood siding, and

(D) Is of an earth tone color that harmonizes with the natural surroundings.

(7) *Commercial Signs:* Conforming commercial signs:

(A) Are located on the site on which the use occurs,

(B) Do not exceed 40 square feet in size with a maximum length of 8 feet and maximum height from the ground of 15 feet,

(C) Do not feature flashing or neon devises, and

(D) Utilize colors to harmonize with the surroundings.

(8) *Subdivision:* The landowner has not sudivided the property.

(9) *Secondary Housing:* The landowner has not build or provided secondary or guest housing.

(10) *Damage to a Certified Structure:* The landowner reconstructs or removes the structure damaged by fire, flood, or other catastrophy in conformance with the applicable standards. The landowner does not need new certification for reconstruction unless the damage reduces the value of the structure by 50% or more.

(11) *Storage:* The landowner does not utilize cargo containers, semi-trailers, train cars, or other trailers for storage or other incompatible uses.

(12) *Maintenance:* Landowners maintain buildings, structures, and grounds, including fences, in a serviceable condition that renders them available for their designed use or they remove structures in unserviceable condition.

(13) *Conformance with Other Standards:* When appropriate, landowners adopt all applicable and practicable guidelines for unimproved residential property in the Developed Land Use Category, Sec. 5(b)(1)(A).

(14) *Conformance with Other Regulations:* Landowners use and develop their property in conformance with applicable Federal, State and local laws, regulations and ordinances.

(c) *Mining.*

The standards set forth in this paragraph shall apply to private property in any land use category which is used for mineral operations. To aid in determining whether a planned mineral operation will conform to these guidelines, the landowner shall submit to the District Ranger a proposed plan of operations in compliance with 36 CFR 228.8, minerals regulations.

All existing mining operations as of June 1, 1984, will be certified. The District Ranger will certify all other operations in the area if the following conditions are met:

(1) The landowner confines operations to locations where they may be conducted without substantially impairing or detracting from the natural, scenic, ecologic, geologic and cultural values of the area.

(2) The operator meets the general compatibility standards set forth in paragraph (b)(1)–(14) of this section.

(3) The landowner describes in the operating plan how operations will:

(A) Comply with Federal and State air and water quality waste disposal standards.

(B) Minimize adverse impacts on scenic values.

(C) Provide for prompt stabilization and restoration of areas disturbed by the operations.

(4) All pertinent provisions of the rules governing mining set forth in 36 CFR Part 228 are met.

Section 5—Standards for New Development

The use and development of private lands in specific land use categories are compatible and will be certified if the use complies with the standards in Sec. 4, paragraph (b)(1)–(14) and the following additional standards:

(a) *Natural Land Use Category.*

(1) *Unimproved Property:* The District Ranger shall certify only those new developments or uses identified in the Comprehensive Management Plan as needed to provide recreation and/or interpretation.

(2) Improved Property:

(A) A landowner may provide recreation and/or interpretive facilities as identified in the Comprehensive Management Plan.

(B) A landowner may construct a new detached structure in lieu of attached structural additions as long as (1) the total of all new detached structures does not exceed 100 percentum of the square footage of the existing building and (2) the Forest Service determines that the visual impact of the detached structure would not be any greater than the visual impact of an attached addition.

(b) *Developed Land Use Category.*

(1) *Unimproved Property.*

(A) *Residential:*

(i) The landowner has not built more than one residence on each separately owned parcel as recorded in the records of Mono County as of June 1, 1984.

(iii) Along with the proposed use and development plan, the landowner has submitted a preliminary landscape plan that visually screens structures from main travel routes and public use areas. Such visual screening may be achieved by a combination of vegetative

screening, topography, structure design and site development.

(iii) Dwelling size does not exceed 2,000 square feet of floor space (excluding below ground basement); if a garage is attached, total size does not exceed 2,900 square feet.

(iv) The plans include no more than two accessory buildings, including a detached garage, for each residence. Such accessory building are not to be used for habitation and would not exceed 900 square feet total (both buildings.)

(v) Buildings are single story structures not to exceed 18 feet from the ground to the highest point of the roof.

(vi) Building architecture is compatible with the rural environment, location, and scale; visually unobtrusive to passing motorists; rustic in nature; and uses harmonious earth tone colors and non-reflective roofing and sidings. Any fence is clearly necessary, made of natural materials (such as split rail), and compatible with the building architecture.

(vii) Structural improvements do not cover more than 40% of the parcel.

(viii) The landowner has submitted a proposed grading and earth movement plan with the use and development plan and the plan minimizes all excavation or topographic changes to that required for buildings, roads, and utilities.

(ix) The landowner only removes live trees and other vegetation when necessary to accommodate buildings and roads and to allow installation of utilities. The landowner has identified in the proposed use and development plan all mature trees and vegetation stands that are proposed to be removed.

(x) The landowner minimizes adverse aesthetic impacts and soil erosion in the design, location, and construction of roads.

(xi) The landowner places identification signs only on the site, not to exceed two (2) square feet in size. The landowner places sale or rental signs only on the site and not to exceed four (4) square feet in size.

(B) *Commercial:* Unless identified in the Comprehensive Management Plan, new commercial development shall not be deemed capatible with the purposes of the Scenic Area.

(2) *Improved Property.*

(A) Residential:

(i) The landowner has constructed no more than two new accessory buildings (including a detached garage) not exceeding 900 square feet in total (both buildings).

(ii) Landowers may reconstruct and expand residential property as specified in Sec. 4(a)(2) or as follows, whichever is larger:

(a) Dwelling size does not exceed 2,000 square feet of floor space (excluding below ground basement); if a garage is attached, total size does not exceed 2,900 square feet.

(b) The plans include no more than two accessory buildings, including a detached garage, for each residence. Such accessory buildings are not to be used for hibitation and would not exceed 900 square feet total (both buildings).

(B) *Commercial:*

(i) Compatible reconstruction and expansion is the same as that for improved residential property [Sec. 5(b)(2)(A).

(ii) Commercial development is compatible when the purpose and intent of a commercial business is the same as that existing June 1, 1984, or found not to be detrimental to the integrity of the Scenic Area based on the Comprehensive Management Plan.

(c) *Relicted Land Use Category.* For any private land within the relicted land use category, the following will apply:

(1) *Unimproved Property:*

(A) *Residential:* The Forest Service will not certify any new residential development.

(B) *Commercial:* Construction of reasonable roads, parking facilities and utilities appurtenant to existing uses by State and local units of government shall be deemed compatible.

(2) *Improved Property:*

(A) *Residential:* The landowner may construct a new detached structure in lieu of attached structural additions as long as (1) the total of all new detached structures does not exceed 100 percentum of the square footage of the existing building and (2) the Forest Service determines that the visual impact of the detached structure(s) would not be any greater than the visual impact of an attached addition.

(B) *Commercial:* Construction of reasonable roads, parking facilities or utilities appurtenant to existing uses by State and local units of governemnt shall be compatible.

[FR Doc. 86-14531 Filed 6-26-86; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Alabama Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 7:30 p.m. and adjourn at 10:30 p.m. on July 17, 1986 in the Montgomery Room and convene 9:00 a.m. and adjourn at 5:00 p.m., on July 18, 1986 in the Cahaba Room, The Madison Hotel, 120 Madison Street, Montgomery, Alabama. The purpose of the meeting is to prepare for and conduct a factfinding meeting to update findings and recommendations in the Advisory Committee Report, *Policy/Community Relations in Montgomery, Alabama.*

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Rodney Max or Bobby Doctor, Director of the Southern Regional Office at (404) 221-4391, (TDD 404/221-4391). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 23, 1986.

Ann E. Goode,

Program Specialist for Regional Programs.

[FR Doc. 86-14508 Filed 6-26-86; 8:45 am]

BILLING CODE 6335-01-M

Hawaii Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Hawaii Advisory Committee to the Commission will convene at 9:00 a.m. adjourn at 12:00 noon, on July 14, 1986, at the Waikiki Trade Center, 2255 Kuhio Avenue, Honolulu, Hawaii. The purpose of the meeting is to review employment data from the State of Hawaii and University of Hawaii and plan implementation of the Native Hawaiian Homeland Project.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Andre Tatibouet or Philip Montez, Director of the Western Regional Office at (213) 688-3437, (TDD 213/894-0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 23, 1986.

Donald A Deppe,

Program Specialist for Regional Programs.

[FR Doc. 86-14509 Filed 6-26-86; 8:45 am]

BILLING CODE 6335-01-M

Indian Civil Rights Issues; Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1983, Pub. L. 98-183, 97 Stat. 1304, that a public hearing before a Subcommittee of the U.S. Commission on Civil Rights will be held July 31, beginning at 9:00 a.m., and August 1, beginning at 9:00 a.m., at the Rushmore Plaza Civic Center, 444 Mount Rushmore Road North, Rapid City, South Dakota.

The purpose of the hearing is to hear testimony about civil rights issues affecting American Indians.

The Commission is an independent, bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal Government with respect to discrmination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, handicap, or national origin, or in the administration of justice.

Dated at Washington, DC, June 24, 1986.

Clarence M. Pendleton, Jr.,

Chairman.

[FR Doc. 86-14604 Filed 6-26-86; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 7:00 p.m. and adjourn at 9:00 p.m., on July 10, 1986, at the Holiday Inn, Winthrop Room, Western Avenue, Augusta, Maine. The purpose of the meeting is to hear from State and Indian officials regarding general assistance to Native Americans.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Richard Morgan or Jacob Shlitt, Director of the New England Regional Office at (617) 223-4671, (TDD 617/223-0344). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 23, 1986.

Donald A. Deppe,

Program Specialist for Regional Programs.

[FR Doc. 86-14510 Filed 6-26-86; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping and Countervailing Duty Proceedings; Proposed Change in Format of Federal Register Notices

AGENCY: Import Administration, International Trade Administration Commerce.

ACTION: Notice of proposed change and request for public comments.

SUMMARY: The Department of Commerce is considering changing the format of notices which are published in the **Federal Register** regarding the Department's decisions in antidumping and countervailing duty proceedings. The Department proposes to institute a new procedure whereby such notices will summarize the decisions. Additional information, including the statement of the facts and conclusions of law which form the basis for the Department's determinations, will no longer be published in the **Federal Register**. This information will be sent to the parties to the proceeding (and the International Trade Commission) free of charge, and photocopies will be made available to the public for a small fee, at the Department of Commerce.

The public is invited to submit written comments on this proposed change within thirty days of publication of this notice. The Department proposes to institute this procedure beginning August 1, 1986, on a trail basis, after a thorough review of the comments.

DATE: Deadline for comments: Comments should be submitted in writing by July 28, 1986.

ADDRESS: Written comments (10 copies) should be addressed to: Deputy Assistant Secretary for Import Administration, Central Records Unit, Room B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Gilbert B. Kaplan, Deputy Assistant Secretary for Import Administration, Room B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230; (202) 377-1780.

SUPPLEMENTARY INFORMATION: The Department of Commerce provides for publication in the **Federal Register** of notice of each decision it makes in an antidumping or countervailing duty proceeding. Each notice presently includes not only an announcement of the Department's decision, but also a thorough review of additional information, including a detailed statement of the facts and conclusions of law which form the basis for the decision.

Since the Department took over the function of administering the antidumping and countervailing duty laws in 1980, the cost of publishing detailed notices of decisions in the **Federal Register** have increased substantially. This in attributable to two factors: (1) An increase in the number of outstanding orders and pending investigations; and (2) an increase in the length of individual notices. Fees for publication of these notices now amount to over $400,000 per year.

The Department is considering an alternative to the publication of entire notices of decisions, in an attempt to lessen this financial burden. We propose to institute a procedure whereby notices published in the **Federal Register** will summarize the Department's decisions. Additional information, including the statement of the facts and conclusions of law which form the basis for the determinations, will no longer be part of the published notice. This information will instead be sent to the parties to the proceeding (and the International Trade Commission), and will be made available to the public, at the Department of Commerce. This procedure is currently followed by the International Trade Commission, with respect to its determinations of injury in antidumping and countervailing duty investigations.

Under the proposed procedure, the **Federal Register** notices will each contain a summary of the decision the Department has made, with: the antidumping or countervailing duty rates being put into effect, where applicable; the effective date of the decision; the person to contact for further information and where to obtain the additional information; a description of the directions to the Customs Service regarding suspension of liquidation; and, where applicable, the effect of determinations by the International Trade Commission. Other relevant information may be included in particular notices.

The additional information will be placed in separate texts, which will be mailed or otherwise made available to

the parties to the corresponding proceedings, free of charge. Photocopies will be available to the public at the Import Administration's Central Records Unit, the address of which is listed above, at a cost of twenty-five cents per page. It is also contemplated that the additional information will be available through commercial computerized legal reference services.

The Department welcomes public comments on this proposed change. Comments (10 copies) should be submitted in writing to the Department at the address and within the time limits listed above. The Department will consider thoroughly all public comments which have been timely filed.

A sample of the proposed format for **Federal Register** notices is attached to this notice. This sample is based upon the notice of the Department's final affirmative countervailing duty determination in *Certain Fresh Atlantic Groundfish from Canada*, 51 FR 10041 (March 24, 1986).

Theodore W. Wu

Acting Assistant Secretary for Trade Administration.

Sample

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–507]

Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to producers or exporters in Canada of certain fresh Atlantic groundfish. The estimated net subsidy is 5.82 percent *ad valorem.*

EFFECTIVE DATE: [Date of publication in the **Federal Register**].

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230; telephone: (202) 377–0161. Copies of the full text of this determination are available at: Import Administration's Central Records Unit, Room B–099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to producers or exporters in Canada of certain fresh Atlantic groundfish (groundfish). For purposes of this investigation, the following programs are found to confer subsidies:

A. Federal Programs

1. Fishing Vessel Assistance Program;
2. Department of Fisheries and Oceans (DFO) Promotions Branch;
3. Assistance for the Construction of Ice-making and Fish Chilling Facilities;
4. Certain Types of Investment Tax Credits;
5. Program for Export Market Development;
6. Regional Development Incentive Program;
7. Industrial and Regional Development Program;
8. Fisheries Improvement Loan Program;
9. DFO Grants to Fishermen and Fish Processors from SRCPP Funds;
10. Preferential User Fees to Fishermen under the Small Craft Harbour Program; and
11. Government Equity Infusions into National Sea Products Limited and Fishery Products International Limited.

B. Joint Federal-Provincial Programs

1. Agricultural and Rural Development Agreements;
2. Prince Edward Island (P.E.I.) Comprehensive Development Plan;
3. General Development Agreements;
4. Transitional Programs;
5. Economic and Regional Development Agreements; and
6. Interest-Free Loans to National Sea Products Limited.

C. Provincial Programs

1. New Brunswick: Loans from the fisheries Development Board;
2. New Brunswick: Fish Unloading Systems and Ice-making Programs;
3. New Brunswick: Insurance Premium Prepayment Program;
4. New Brunswick: Interest Rate Rebates;
5. New Brunswick: Technical Services;
6. Newfoundland: Grants for Purchasing and Constructing Boats;
7. Newfoundland: Grants for Rebuilding and Repair of Fishing and Coastal Vessels;
8. Newfoundland: Grants to Cover Operating Expenses;
9. Newfoundland: Loans from the Fisheries Loan Board;
10. Newfoundland: Loan Guarantees from the Fisheries Loan Board;
11. Newfoundland: Operation of Fisheries Facilities and Services;
12. Newfoundland: Construction and Repair of Fisheries Facilities;
13. Newfoundland: Enhancement of Fishing Operations;
14. Newfoundland: Marketing Assistance;
15. Nova Scotia: Fishing Vessel Construction Program;
16. Nova Scotia: Loans from the Fisheries Loan Board;
17. Nova Scotia: Industrial Development Division Grants;
18. Nova Scotia: Market Development Assistance;
19. P.E.I.: Fishing Vessel Subsidy Program;
20. P.E.I.: Near and Offshore Vessel Assistance Program;
21. P.E.I.: Engine Conversion Program;
22. P.E.I.: Commercial Fishermen's Investment Incentive Program;
23. P.E.I.: Assistance for the Construction of Ice-Making and Fish Chilling Facilities;
24. P.E.I.: Fish Box Pool Program;
25. P.E.I.: Technical Upgrading Program;
26. P.E.I.: Fresh Fish Marketing Program;
27. P.E.I.: Fishing Industry Technology Program;
28. P.E.I.: Technology Improvements Program;
29. P.E.I.: Onboard Fishing Handling Systems Program;
30. Quebec: Vessel Construction Assistance Program;
31. Quebec: Gear Subsidy Program;
32. Quebec: Insurance Premium Subsidy Program;
33. Quebec: Large Vessel Construction Program;
34. Quebec: Loans from the Ministry of Agriculture, Fisheries and Food;
35. Quebec: Grants for Engine Purchases;
36. Quebec: Grants for Fish Transport and Seafood Processing Tanks;
37. Quebec: Grants to Processing Enterprises for Capital Equipment; and
38. Quebec: Ice-Making and Fish Chilling Assistance.

We determine the estimated net subsidy to be 5.82 percent *ad valorem.*

Suspension of Liquidation

In accordance with section 703(d) of the Act, we instructed the U.S. Customs Service to suspend liquidation of all entries of certain fresh Atlantic groundfish from Canada which are entered, or withdraw from warehouse, for consumption on or after January 9, 1986, the date of publication of our preliminary determination in the **Federal Register.** The liquidation of all entries, entered or withdrawn from warehouse, for consumption will continue to be suspended, and as of the date of publication of this notice in the **Federal Register,** the Customs Service should require a cash deposit or bond for each such entry in the amount of 5.82 percent *ad valorem.* This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 705 of the Act, we will notify the International Trade Commission (ITC) of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation.

We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC Will determine whether these imports materially injure, or threaten material injury to, a U.S. industry 45 days after the date of publication of this notice. If the ITC determines that material injury, or the threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled. If,

however, the ITC determines that injury exists, we will issue a countervailing duty order, directing Customs officers to assess a countervailing duty on groundfish from Canada entered, or withdrawn from warehouse, for consumption on or after the date of the suspension of liquidation as indicated in the "Suspension of Liquidation" section of this notice.

This notice is published pursuant to section 705(d) of the Act (19 U.S.C. 1671d(d)).

[FR Doc. 86-14427 Filed 6-26-86; 8:45 am]
BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Terrain Conductivity Meter

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CRF Part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, DC.

Docket No.: 85 289R. Applicant: U.S. Geological Survey, Reston, VA 22092. Intended Use: See notice at 50 FR 41380.

Docket No.: 86-007R. Applicant: State of Minnesota, St. Paul, MN 55146. Intended Use: See notice at 50 FR 46149.

Article: Terrain Conductivity Meter. Manufacturer: Geonics Ltd., Canada.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. Reasons: Each foreign instrument provides for in situ measurement of ground conductivity in milliohm per meter at variable depths of 40 meters. The capability of each of the foreign instruments described above is pertinent to each applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,
Director, Statutory Import Programs Staff.
[FR Doc. 86-14603 Filed 6-26-86; 8:45 am]
BILLING CODE 3510-DS-M

Short Supply Review of Certain Black, Oil Tempered, Round, Scratch Brush Wire

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products with respect to certain black, oil tempered, round, scratch brush wire used in the production of industrial hand brushes.

EFFECTIVE DATE: Comments must be submitted no later than ten days after publication of this notice.

ADDRESS: Please send all comments to: Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, 14th and Constitution Ave., NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Room 3099, 202/377-3833, Office of Agreements Compliance, 14th and Constitution Ave., NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products provides that if the U.S. ". . . determines that because of abnormal supply or demand factors, the United States steel industry will be unable to meet demand in the United States of America for a particular category or sub-category (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such category or sub-category . . ."

We have received a short supply request for certain black, oil tempered, round, scratch brush wire in sizes ranging from .0286 to .0128 inch. The wire meets AISI grades 1059 or 1064.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days after publication of this notice. Comments should focus on the economic factors involved in granting or denying this request. The Department will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly label the business proprietary portion of the submission and also include a submission without proprietary information which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

Gilbert B. Kaplan,
Deputy Assistant Secretary for Import Administration.
June 19, 1986.
[FR Doc. 86-14601 Filed 6-26-86; 8:45 am]
BILLING CODE 3510-DS-M

Short Supply Review of Certain Calorized, Ceramic Coated Lance Pipe

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products with respect to certain calorized, ceramic coated lance pipe used in the direct blowing of oxygen into steelmaking furnaces.

EFFECTIVE DATE: Comments must be submitted no later than ten days after publication of this notice.

ADDRESS: Please send all comments to: Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, 14th and Constitution Ave., NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Room 3099, 202/377-3833, Office of Agreements Compliance, 14th and Constitution Ave., NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products provides that if the U.S. ". . . determines that because of abnormal supply or demand factors, the United States steel industry will be unable to meet demand in the United States of America for a particular category or sub-category (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such category or sub-category . . ."

We have received a short supply request for lance pipe used in the direct blowing of oxygen into steelmaking furnaces. This lance pipe is made of mild steel with nominal inside diameters of ⅜ to 1¼ inches. The pipe is calorized on both sides with an iron-aluminum diffusing agent and then coated on both sides with liquified refractory ceramic material.

Thickness of diffusing agent: 0.4–0.8 mm
Thickness of ceramic coating: 0.2–0.3 mm
Pipe length: 9 or 18 feet standard
End: Plain or threaded and coupled.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days after publication of this notice. Comments should focus on the economic factors involved in granting or denying this request. The Department will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly label the business proprietary portion of the submission and also include a submission without proprietary information which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B–099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

June 19, 1986.

[FR Doc. 86–14602 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Carle Foundation Hospital (P381)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Carle Foundation Hospital.

b. Address: 611 West Park Street, Urbana, Illinois.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Unspecified Pinnipeds.

4. Type of Take: Importation from Canada of specimen materials from seals killed by polar bears for determination of nutrient density.

5. Location of Activity: Specimen material will be analyzed at Carle Foundation Hospital.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above applicatrion are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC;

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 20, 1986.

Samuel W. McKeen,

Chief, Management and Budget Staff, National Marine Fisheries Service.

[FR Doc. 86–14600 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Permit; Jeffrey D. Goodyear

On February 13, 1986, notice was published in the **Federal Register** (51 FR 5390) that an application has been filed by Mr. Jeffrey D. Goodyear, Ecology Research Group, Inc., 97–B Howland Avenue, Jamestown, Rhode Island 02835, for a Scientific Research Permit to conduct radio tagging studies on humpback whales (Megaptera novaeangliae) over a 3-year period.

Notice is hereby given that on June 12, 1986 as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit; (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; (3) and will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, DC; and

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 16, 1986.

Samuel W. McKeen,

Chief, Management Budget Staff, National Marine Fisheries Service.

[FR Doc. 86–14609 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Permit; National Marine Fisheries Service, Southwest Fisheries Center

On April 15, 1986, notice was published in the **Federal Register** (51 FR 12725) that an application had been filed by the Southwest Fisheries Center, National Maine Fisheries Center, P.O. Box 271, La Jolla, California 92038, for a permit to take a Hawaiian monk seal *(Monachus schauinslandi)* for scientific research and to enhance the propagation and survival of the species.

Notice is hereby given that on June 19, 1986, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit; (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this Permit; (3) and will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

This permit is available for review in the following offices:

Assistant Administrator for Fisheries, 3300 Whitehaven Street, NW., Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731–7415.

Dated: June 20, 1986.

Samuel W. McKeen,

Chief, Management and Budget Staff, National Marine Fisheries Service.

[FR Doc. 86–14611 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Permit Modification No. 3; Adriatic Sea World Modification No. 3 to Permit No. 298

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 298 issued to Adriatic Sea World, S.n.c., Lungomare della Repubblica, 47036 Riccione (FO), Italy on July 16, 1980 (45 FR 48682), as modified on November 3, 1982 (47 FR 49881) and August 21, 1984 (49 FR 33160), is further modified as follows:

Section B.3 is replaced by:

3. The authority to capture or otherwise acquire these marine mammals, or to take by harassment, tagging or other activities authorized herein, shall extend from the date of issuance through December 31, 1988. The terms and conditions of this Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder.

This Modification is effective upon publication in the **Federal Register.**

Documents submitted in connection with the above modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC., and

Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: June 16, 1986.

Samuel W. McKeen,

Chief, Mamagement Budget Staff, National Marine Fisheries Service.

[FR Doc. 86–14610 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Proposed Permit Modification; Dolphin Research Center (P53B)

Notice is hereby given that Dolphin Research Center, P.O. Box 2875, Marathon Shores, Florida 33052, has requested a modification to Permit No. 514, issued on August 2, 1985 (50 FR 32252) under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Permit Holder is requesting to conduct open ocean work with two (2) captive born Atlantic bottlenose dolphins (*Tursiops truncatus*) after a training period. The program will be used for underwater filming.

Concurrent with the publication of this notice in the **Federal Register,** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above modification are available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC, and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: June 16, 1986.

Samuel W. McKeen,

Chief, Management and Budget Staff, National Marine Fisheries Service.

[FR Doc. 86–14607 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–22–M

National Marine Fisheries Service; Issuance of a General Permit

A Category 6 general permit was issued on June 16, 1986 to the Sportfishing Association of California to take an unspecified number of California sea lions by non-injurious harassment during active fishing operations pursuant to 50 CFR 216.24.

The harassment devices approved by the Assistant Administrator for Fisheries for use in this fishery are as follows:

(1) California Seal Control Device (seal bombs) or equivalent with no greater explosive power.

(2) Cracker shells (O.C. Ag Supply Co., Anaheim, CA) fired from 12 gauge shotgun or flare pistol or its equivalent with no greater explosive power.

A complete description of the above two devices can be found in 49 CFR 173.000.

(3) Acoustic harassment devices of 12 kHz to 17 kHz that produce sound levels no greater than 190 dB ref. 1 micropascale.

The permit is valid until December 31, 1988 subject to annual reauthorization.

This general permit is available for public review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC.

Dated: June 16, 1986.

Samuel W. McKeen,

Chief, Management and Budget Staff, National Marine Fisheries Service.

[FR Doc. 86–14608 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–22–M

Sea Grant Review Panel Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The meeting will have several purposes. Many of the Panel members are new, so time will be devoted to discussion of the organization of the National Office, how it functions, and how it interacts with the 30 institutional programs, the Council of Sea Grant Directors, and the Sea Grant Association. The Panel also will meet to select its own chairperson and determine operating rules of order; to discuss the current posture, issues of national needs, and future outlook for Sea Grant; and act upon an application for Sea Grant College status.

The session on July 16, 1986, 3:30–4:30 p.m. will be devoted to discussion of an application for Sea Grant College

designation. This session will be closed since the discussion is likely to disclose information of a personal nature which would constitute a clearly unwarranted invasion of personal privacy.

DATES: The announced meeting is scheduled for 2 days, July 15 and 16, 1986, as follows: July 15, 8:30–11:30 a.m., 11:30–11:45 a.m., 1:00–4:00 p.m., and 4:00–5:00 p.m.; and July 16, 8:30 a.m.–3:00 p.m., 3:30–4:30 p.m., and 4:30–5:30 p.m. The July 16, 3:30–4:30 p.m. session will be closed to the public.

ADDRESS: The meetings will be held at:

July 15: The Washington Light Infantry Building, 287 Meeting Street, Charleston, South Carolina 29401

July 16: The South Carolina Wildlife Marine Resources Department Auditorium, 217 Ft. Johnson Road, James Island, Charleston, South Carolina 29412.

FOR FURTHER INFORMATION CONTACT:

Dr. David B. Duane, National Sea Grant College Program, RNSE1, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, (301) 443–8894 or

Suzette Kern, Information Resources Management, U.S. Department of Commerce, Rm. 6622, Washington, DC 20230, (202) 377–4217.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 19, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in this closed portion may be exempted from the provisions of the Act relating to open meetings and public participation therein because this item will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6). This section covers discussions which are likely to disclose information of a personal nature which would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.)

Dated: June 17, 1986.

Joseph O. Fletcher,

Assistant Administrator, Oceanic and Atmospheric Research.

[FR Doc. 86–14564 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–12–M

National Telecommunications and Information Administration

Frequency Management Advisory Council; Open Meeting

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:00 a.m. to 4:00 p.m. on July 21, 1986, in Room 1605 at the United States Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC. (Public entrance to the building is on 14th Street, between Pennsylvania Avenue and Constitution Avenue.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The principal agenda items for the meeting will be:

(1) Proposed NTIA policy on allocation of multifunction spread spectrum systems.

(2) Proposed NTIA policy on Federal Government Trunked Land Mobile Radio.

(3) Discussion of recent developments relative to radio frequency radiation effects.

(4) Preliminary considerations for space station frequency availability.

The meeting will be open to public observations; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before July 17, 1986. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Executive Secretary, FMAC, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 4706, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230, telephone 202–377–0805.

Dated: June 23, 1986.

Charles L. Hutchison,

Executive Secretary, FMAC National Telecommunications and Information Administration.

[FR Doc. 86–14585 Filed 6–26–86; 8:45 am]

BILLING CODE 3510–60–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Limits for Certain Cotton Textile Products Produced or Manufactured in Turkey

June 24, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651, has issued the directive published below to the Commissioner of Customs to be effective on June 27, 1986. For further information contact Ann Fields, International Trade Specialist (202) 377–4212.

Background

On September 10, 1985, a notice was published in the **Federal Register** (50 FR 36914), which established an import restraint for women's, girls' and infants' cotton knit shirts in Category 339, produced or manufactured in Turkey and exported during the twelve-month period which began on June 27, 1985 and extends through June 26, 1986. The limit filled on February 27, 1986.

On December 24, 1984, a notice was published in the **Federal Register** (49 FR 49879) announcing that, as of January 1, 1985, the Committee for the Implementation of Textile Agreements, in order to prevent market disruption, would direct the U.S. Customs Service, as appropriate, to permit entry into the United States for consumption, or withdrawal from warehouse for consumption, of such goods, which were exported during a prior restraint period in excess of the restraint limit established for that period, at a prescribed rate during the following period. CITA has decided, in the case of imports in Category 339, exported from Turkey on and after June 27, 1985 and extending through June 26, 1986, to direct Customs to permit entry in amounts not to exceed 92,000 dozen during each of the thirty-day periods stipulated in the letter to the Commissioner of Customs which follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textiles Agreements.

June 24, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on June 27, 1986, to permit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 339, produced or manufactured in Turkey and exported during the twelve-month period which began on June 27, 1985 and extended through June 26, 1986, which were in excess of the limit established for that period, in the following amounts during each specified thirty-day period:

Category	Amount to be entered
339	92,000 dozen.

The thirty-day periods shall be as follows:

June 27 to July 26, 1986
July 27 to August 25, 1986
August 26 to September 24, 1986
September 24 to October 24, 1986
October 35, 1986 to November 23, 1986

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-14599 Filed 6-24-86; 4:36 pm]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1986 services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 27, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On March 14 and May 9, 1986, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (51 FR 8868 and 51 FR 17225) of proposed additions to and deletions from Procurement List 1986, October 15, 1985 (50 FR 41809).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the services listed.

c. The action will result in authorizing small entities to provide the services procured by the Government.

Accordingly, the following services are hereby added to Procurement List 1986:

Grounds Maintenance, USAR Facility, Building 4306, Grant County Airport, Moses Lake, Washington

Janitorial/Custodial, Garmatz Courthouse and Federal Building, 101 W. Lombard Street, Baltimore, Maryland.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-14521 Filed 6-26-86; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for the Cleanup of Debris, Artero Property, Uruno Point, GU

AGENCY: U.S. Army Corps of Engineers, DOD, Honolulu District.

ACTION: Notice of intent to prepare a draft environmental impact statement for cleanup of debris, Artero Property, Uruno Point, Guam.

SUMMARY:

1. The Army Engineer District, Honolulu is preparing an environmental impact statement for the U.S. Air Force, Andersen Air Force Base, Guam to study the feasibility of removing debris from the Artero Property, Uruno Point, Guam.

2. The study is investigating various methods of cleanup activities and alternatives. The project consists of construction of a temporary road for debris removal and various levels of debris cleanup.

3. Federal and local agencies will be contacted as well as local interest groups and private organizations and parties during the course of this study. At this time, the draft EIS will address the impacts of the project on fish and wildlife resources, historic sites, social and cultural resources, water resources and lifestyles. Coordination has been or will be accomplished with the U.S. Fish and Wildlife Service, U.S. Advisory Council on Historic Preservation, U.S. Environmental Protection Agency and Government of Guam agencies.

4. A scoping meeting is not planned at this time.

5. If there are any questions regarding the draft EIS, please contact: Dr. James E. Maragos, Chief, Environmental Resources Section, U.S. Army Engineer District, Honolulu, Building T-1, Fort

Shafter, HI 96858–5440, Telephone: (808) 438–2263/2264.

John D. French,

Major, Corps of Engineers, Deputy District Engineer.

[FR Doc. 86–14519 Filed 6–26–86; 8:45 am]

BILLING CODE 3710-NN-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 86–33–NG]

Natural Gas Imports/Exports, Tricentrol Petroleum Marketing, Inc., Application To Import/Export Natural Gas

Correction

In FR Doc. 86–13307, beginning on page 21395 in the issue of Thursday, June 12, 1986, make the following correction:

On page 21395, in the third column, in the SUMMARY, tenth line, "59" should read "50".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59771; FRL–3035–5]

Certain Chemical Premanufacture Notice; Alkyd Resin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of one such PMN and provides a summary of it.

DATES: Close of Review Period: Y 86–114, April 20, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86–114

Manufacturer. NL Chemicals/NL Industries, Inc.

Chemical. (G) Alkyd resin.

Use/Production. (G) An alkyd resin to be used in an open, non-dispersive manner. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. Confidential.

Dated: June 16, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86–14081 Filed 6–26–86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS–59770; FRL–3035–3]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066)(40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of six such PMNs and provides a summary of each.

DATES: Close of Review Period: Y 86–168 and 86–169, June 26, 1986 Y 86–170, 86–171, 86–172, and 86–173, July 1, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86–168

Manufacturer. DiversiTech General.

Chemical. (S) Styrene 1,3-butadiene acrylamide itaconic acid tertiary dodecyl mercaptan sodium persulfate.

Use/Production. (S) Binder for cellulose to make paper products such as paper towels and binder for rayon fiber to make nonwoven sheeting. Prod. range. 8.0–25.0 million lbs/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86–169

Manufacturer. Confidential.

Chemical. (G) Cycloaliphatic polyester modified with a polyester glycol.

Use/Production. (S) Industrial formed articles. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86–170

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (G) Co-polymer of polymethyloctyl siloxane, polymethylvinylsilozane and polydimethylsiloxzane.

Use/Production. (S) Industrial plastic additive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to ½ hr/da, up to 10 da/yr.

Environmental Release/Disposal. No release.

Y 86-171

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (G) Copolymer of polydimethylsiloxane and polymethylhydrogensiloxane.

Use/Production. (S) Industrial elastomer crosslinker. Prod. range: 2,000-5,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to ½ hr/da, up to 10 da/yr.

Environmental Release/Disposal. No data submitted.

Y 86-172

Manufacturer. Dynamit Nobel Chemicals.

Chemical. (G) Copolymer of polydimethylsiloxane and polydiphenylsiloxane, dimethylvinyl terminated.

Use/Production. (S) Industrial elastomer base. Prod. range: 4,000-10,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to ½ hr/da, up to 10 da/yr.

Environmental Release/Disposal. No data submitted.

Y 86-173

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Tall Oil Fatty acid modified aklyd resin.

Use/Production. (S) Industrial coating vehicle. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: June 16, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-14082 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51628; FRL-3035-2]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a permanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-three PMNs and provides a summary of each.

DATES: Close of Review Period: P 86-1131, P 86-1132, P 86-1133 and P 86-1134, September 3, 1986. P 86-1135 and P 86-1136, September 9, 1986. P 86-1137, P 86-1138, P 86-1139, P 86-1140, P 86-1141, P 86-1142 and P 86-1143, September 7, 1986. P 86-1144, P 86-1145, P 86-1146, P 86-1147, P 86-1148, P 86-1149, P 86-1150, P 86-1151, P 86-1152, P 86-1153, September 8, 1986. P 86-1154, P 86-1155, P 86-1156, P 86-1157, P 86-1158, P 86-1159, P 86-1160, P 86-1161, P 86-1162, P 86-1163, September 9, 1986.

Written Comments by: P 86-1131, P 86-1132, P 86-1133 and P 86-1134, August 4, 1986. P 86-1135 and P 86-1136, August 7, 1986. P 86-1137, P 86-1138, P 86-1139, P 86-1140, P 86-1141, P 86-1142, P 86-1143, August 8, 1986. P 86-1144, P 86-1145, P 86-1146, P 86-1147, P 86-1148, P 86-1149, P 86-1150, P 86-1151, P 86-1152 and P 86-1153, August 9, 1986. P 86-1154, P 86-1155, P 86-1156, P 86-1157, P 86-1158, P 86-1159, P 86-1160, P 86-1161, P 86-1162 and P 86-1163, August 10, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51628]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3582.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m. Monday through Friday, excluding legal holidays.

P 86-1131

Manufacturer. Confidential.

Chemical. (G) Aliphatic alicyclic polyester.

Use/Production. (G) Industrial resin having an open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 27 workers, up to 8 hrs/da, up to 101 da/yr.

Environmental Release/Disposal. 2 to 169 kg/batch released to land. Disposal by incineration and approved landfill.

P 86-1132

Manufacturer. Mallinckrodt, Inc.

Chemical. (S) Silicone, bis[p-(p-nitrophenoxy)phenyl].

Use/Production. (G) Destructive use. Prod. range: Confidential

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1133

Manufacturer. The Dow Chemical Company.

Chemical. (G) Ethylene/acrylic acid copolymer.

Use/Production. (G) For use as an adhesive and sealant. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal.

Environmental Release/Disposal. No release expected. Disposal by approved landfill and unreacted substance is recovered and reused.

P 86-1134

Manufacturer. The Dow Chemical Company.

Chemical. (G) Ethylene/acrylic acid copolymer.

Use/Production. (G) For use as an adhesive and sealant. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal.

Environmental Release/Disposal. No release expected. Disposal by approved landfill and unreacted substance is recovered and reused.

P 86-1135

Manufacturer. Hercules Incorporated.

Chemical. (G) Modified hydrocarbon resin.

Use/Production. (S) Industrial tackifier resin for hot melt coatings for carpet assembly. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers.

Environmental Release/Disposal. 27 to 108kg/day. Released to land. Disposal

by publicly owned treatment works (POTW) and onsite primary water treatment.

P 86–1136

Manufacturer. Confidential.

Chemical. (G) Alkyl acid phosphate salt.

Use/Production. (S) Antistatic agent. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Disposal by navigable waterway.

P 86–1137

Importer. American Hoechst Corporation.

Chemical. (G) Sulfonate triphenylmethaned dyestuff.

Use/Importer. (S) Industrial and commercial colorant for aqueous writing inks. Import range: 1,500–5,000 kg/yr.

Toxicity Data. Acute oral: <5,000; Irritation: Skin—Moderate; LC_{50} 48 hr (Goldorfs): >500 mg/l; 96 hr: >383 mg/l Mucous membrane compatibility test: Moderate.

Exposure. Dermal and inhalation, up to 2 persons/shift, 1 hr/shift, 30 manhours/yr.

Environmental Release/Disposal. No data submitted.

P 86–1138

Importer. Confidential.

Chemical. (G) Substituted naphthalene diazo dye.

Use/Product. (S) Consumer azo dye for printers ink. Import range: 5–700 kg/yr.

Toxicity Data. Acute oral: 2,113 mg/kg; Ames test: Nonmutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

P 86–1139

Manufacturer. Confidential.

Chemical. (G) Substituted naphthalene trisazo dye.

Use/Product. (S) Consumer azo dye for printers ink. Import. range: 5–500 kg/yr.

Toxicity Data. Acute oral: 1,596 mg/kg; Ames test: Nonmutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

P 86–1140

Importer. W.R. Grace and Company (Dearborn Division).

Chemical. (G) Alkylimido, aryl carboxylic acid, sodium salt.

Use/Import. (S) Cleaner for iron fouled water, maintenance product for prevention of corrosion and iron fouling in water using equipment and systems, iron deposit prevention for process cooling water for industrial and commercial use. Import range: Confidential.

Toxicity Data. Acute oral: 4.10 g/kg; LC_{50} 96 hr (Bluegill): 18.91; LC_{50} 48 hr (Daphnia magna): 250 ml.

Exposure. Processing: dermal, a total of 2 workers, up to 4 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. 0.1 to 0.5 kg/batch released to air and water. Disposal by POTW, on-site wastewater treatment and dust collector system.

P 86–1141

Importer. Confidential.

Chemical. (G) Alkyl anhydride adduct.

Use/Import. (S) Fat liquor for the leather and fur industry. Import range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86–1142

Manufacturer. First Chemical Corporation.

Chemical. (S) 2-chloro-4-toluidine sulfate.

Use/Production. (G) Industrial pigment intermediate. Prod. range: 136,000–408,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 9 workers, up to 8 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 0.5 kg/batch released to water. Disposal by navigable waterway.

P 86–1143

Manufacturer. Confidential.

Chemical. (G) Cationic copolymer.

Use/Production. (G) Flocculant and/or ionic conductor. Prod. range: Confidential.

Toxicity Data. Acute oral: >g/kg; Irritation: Skin—Slight, Eye—Non-irritant.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1144

Manufacturer. Dynamit Nobel Chemicals. *Chemical.* (S) Poly(vinylmethoxy)siloxane.

Use/Production. (S) Industrial polymeric coupling agent for wire and cable insulation filler and coupling agent for other filler systems. Prod. range: 10,000–25,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture; dermal, a total of 5 workers.

Exposure. Manufacturer: dermal.

Environmental Release/Disposal. No release.

P 86–1145

Manufacturer. Confidential.

Chemical. (G) Alicyclic amine derivative.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Disposal by POTW.

P 86–1146

Manufacturer. Confidential.

Chemical. (G) Capped aliphatic isocyanate.

Use/Production. (S) Site limited and industrial isolated intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 34 workers, up to 8 hrs/da, up to 68 da/yr.

Environmental Release/Disposal. Trace to 94 kg/batch released to land. Disposal by incineration and approved landfill.

P 86–1147

Manufacturer. Confidential.

Chemical. (G) Thioamidine modified polyurethane.

Use/Production. (G) Industrial paint product. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 32 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 6 to 75 kg/batch released to land. Disposal by incineration and approved landfill.

P 86–1148

Manufacturer. Confidential.

Chemical. (G) Polyurethane polyester.

Use/Production. (G) Resine used in an industrial coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacturer and processing: dermal, a total of 34 workers, up to 8 hrs/da, up top 48 da/yr.

Environmental Release/Disposal. 4 to 162 kg/batch released to land. Disposal by incineration and approved landfill.

P 86–1149

Manufacturer. Confidential.

Chemical. (G) Styrenated acrylic polymer.

Use/Production. (G) Industrial coating having an open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 34 workers, up to 8 hrs/da, up to 153 da/yr.
Environmental Release/Disposal. 3 to 80 kg/batch released to land. Disposal by incineration, approved landfill and commercial disposer.

P 86–1150

Manufacturer. Confidential.
Chemical. (G) Styrenated acrylic polymer.
Use/Production. (G) Industrial coating having an open use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 34 workers, up to 8 hrs/da, up to 153 da/yr.
Environmental Release/Disposal. 3 to 80 kg/batch released to land. Disposal by incineration, approved landfill and commercial disposer.

P 86–1151

Manufacturer. Confidential.
Chemical. (G) Styrenated acrylic polymer.
Use/Production. (G) Industrial coating having an open use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 34 workers, up to 8 hrs/da, up to 153 da/yr.
Environmental Release/Disposal. 3 to 80 kg/batch released to land. Disposal by incineration, approved landfill and commercial disposer.

P 86–1152

Manufacturer. Confidential.
Chemical. (G) Styrenated acrylic polymer.
Use/Production. (G) Industrial coating having an open use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 34 workers, up to 8 hrs/da, up to 153 da/yr.
Environmental Release/Disposal. 3 to 80 kg/batch released to land. Disposal by incineration, approved landfill and commercial disposer.

P 86–1153

Manufacturer. E.I. du Pont de Nemours and Co. Inc.
Chemical. (G) Polyimide precursor.
Use/Production. (G) Composite thermoplastic laminating tape. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1154

Manufacturer. Confidential.
Chemical. (G) Acrylated polyester.
Use/Production. (G) Specialty polymeric coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 43 workers, up to 8 hrs/da, up to 12 da/yr.
Environmental Release/Disposal. 3 to 125 kg/batch released to land. Disposal by incineration and approved landfill.

P 86–1155

Manufacturer: Confidential.
Chemical. (G) Ester of substituted cycloalkenoic acid.
Use/Production. (G) Highly dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential
Environmental Release/Disposal. Disposal by POTW.

P 86–1156

Manufacturer: Confidential.
Chemical. (G) Substituted cycloalkenoic acid.
Use/Production. (G) Destructive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86–1157

Manufacturer: Confidential.
Chemical. (G) Substituted (substituted phenyl) alkanamide.
Use/Production. (G) Chemical intermediate. Prod. range: 15,000–18,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 14 workers, up to 0.6 hr/da, up to 25 da/yr.
Environmental Release/Disposal. Less than 5 kg/batch incinerated.

P 86–1158

Manufacturer: Confidential.
Chemical. (G) Substituted imidazole.
Use/Production. (G) Chemical intermediate. Prod. range: 8,000–10,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 16 workers, up to 0.6 hr/da, up to 25 da/yr.
Environmental Release/Disposal. Less than 1 kg/batch incinerated.

P 86–1159

Manufacturer: Confidential.
Chemical. (G) Substituted imidazole.
Use/Production. (G) Chemical intermediate. Prod. range: 8,000–10,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 22 workers, up to 0.5 hr/da, up to 25 da/yr.
Environmental Release/Disposal. Less than 2 kg/batch incinerated.

P 86–1160

Manufacturer: Confidential.
Chemical. (G) Substituted sulfophenyl azo substituted naphthalenesulfonic acid, salt.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by navigable waterway.

P 86–1161

Manufacturer: Confidential.
Chemical. (G) Substituted sulfophenyl azo substituted naphthalenesulfonic acid, salt.
Use/Production. (S) Site limited isolated intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 7 workers.
Environmental Release/Disposal. Disposal by navigable waterway.

P 86–1162

Manufacturer: Confidential.
Chemical. (G) Copper complex of substituted (substituted sulfophenyl azo substituted sulfonaphthyl) (hydroxysulfophenyl azo substituted sulfonaphthyl) triazine, sodium salt.
Use/Production. (G) Open non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by navigable waterway.

P 86–1163

Importer. Confidential.
Chemical. (G) Polymethacrylic resin for shade improver for textiles.
Use/Import. (G) Polymethacrylic emulsion for surface finish. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Dated: June 16, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86–14083 Filed 6–26–86; 8:45 am]
BILLING CODE 6560–50–M

[OPTS-51629; FRL-3039-9]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-nine PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-1164, 86-1165, 86-1166, P 86-1167, 86-1168, 86-1169, 86-1170, and 86-1171—September 10, 1986.

P 86-1172, 86-1173, and 86-1174—September 13, 1986.

P 86-1175, 86-1176, 86-1177, 86-1178, 86-1179, 86-1180, and 86-1181—September 14, 1986.

P 86-1182, 86-1183, 86-1184, 86-1185, 86-1186, 86-1187, and P 86-1188—September 15, 1986.

P 86-1189, 86-1190, 86-1191, and 86-1192—September 16, 1986.

Written comments by:

P 86-1164, 86-1165, 86-1166, 86-1167, 86-1168, 86-1169, 86-1170, and 86-1171—August 11, 1986.

P 86-1172, 86-1173, and 86-1174—August 14, 1986.

P 86-1175, 86-1176, 86-1177, 86-1178, 86-1179, 86-1180, and 86-1181—August 15, 1986.

P 86-1182, 86-1183, 86-1184, P 86-1185, 86-1186, 86-1187, and P 86-1188—August 16, 1986.

P 86-1189, 86-1190, 86-1191, and 86-1192—August 16, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51629]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-1164

Manufacturer. Wilmington Chemical Corporation.

Chemical. (G) Aqueous acrylic emulsion.

Use/Production. (G) Coating open, non-dispersive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1165

Manufacturer. Confidential.

Chemical. (G) Silane modified aliphatic alicyclic urethane.

Use/Production. (G) Industrially used polymer. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 44 workers, up to 8 hrs/da, up to 16 da/yr.

Environmental Release/Disposal. 3 to 109 kg/batch released to land. Disposal by incineration and approved landfill.

P 86-1166

Manufacturer. Confidential.

Chemical. (G) Bis(aromatic anhydride).

Use/Production. (S) Cross-linking agent for epoxy resins for powder coatings, reinforced composites and intermediate for synthesis of polyimides for industrial and commercial use. Prod. range: 2,500-10,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release.

P 86-1167

Manufacturer. Confidential.

Chemical. (G) Carboxyl-functional alkyd.

Use/Production. (G) Alkyd for printing inks. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Disposal by publicly owned treatment works (POTW).

P 86-1168

Manufacturer. Confidential.

Chemical. (G) Gelled Castor Oil.

Use/Production. (G) Varnish for metal deco inks. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1169

Manufacturer. Confidential.

Chemical. (G) Polyester modified epoxy resin.

Use/Production. (G) Electronic coatings resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Disposal by POTW.

P 86-1170

Manufacturer. Confidential.

Chemical. (G) Polyamide/acrylic copolymer.

Use/Production. (G) Printing ink resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1171

Importer. Confidential.

Chemical. (G) Substituted phenylazo naphthalene.

Use/Import. (S) Consumer azo dye for printer's ink. Import range: 60-170 kg/yr.

Toxicity Data. Bioaccumulative test: Not bioaccumulative; Ames test: Not mutagenic; LC_{50} 96 hr (Killifish): >1,000 mg/l; LC_{50} 48 hr: >1,000 μg/ml.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

P 86-1172

Manufacturer. E.I. du Pont de Nemours and Company, Inc.

Chemical. (G) Substituted ethylene copolymer.

Use/Production. (G) For use as belts and hoses. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1173

Manufacturer. E.I. du Pont de Nemours and Company, Inc.

Chemical. (G) Substituted ethylene copolymer.

Use/Production. (G) For use as belts and hoses. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1174

Manufacturer. Confidential.
Chemical. (G) Amino functional paintable silicone fluid.
Use/Production. (G) Mold release agent. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86–1175

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Ethylene interpolymer.
Use/Production. (G) For use as molded parts. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1176

Manufacturer. SCM Specialty Chemicals.
Chemical. (G) Trialkoxysilyl ester.
Use/Production. (G) Surface treating agent for fillers/reinforcement modifiers (contained use). Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86–1177

Manufacturer. AZS Corporation.
Chemical. (G) Modified cycloaliphatic amine.
Use/Production. (S) Commercial epoxy cross-linking agent for miscellaneous epoxy coatings and adhesives. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. No release.

P 86–1178

Manufacturer. Confidential.
Chemical. (G) Acrylic methacrylic functional polymer.
Use/Production. (G) Industrially used polymer having a dispersive use. Prod. range: Confidential.
Toxicity Data. No data submited.
Exposure. Manufacture and processing: dermal, a total of 67 workers, up to 8 hrs/da, up to 17 da/yr.
Environmental Release/Disposal. 3 to 120 kg/batch released to land. Disposal by incineration and approved landfill.

P 86–1179

Manufacturer. Confidential.
Chemical. (G) Styrenated acrylic methacrylic polymer.
Use/Production. (G) Polymer having a dispersive industrial use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 41 workers, up to 8 hrs/da, up to 18 da/yr.
Environmental Release/Disposal. 3 to 108 kg/batch released to land. Disposal by incineration and approved landfill.

P 86–1180

Manufacturer. Confidential.
Chemical. (G) Modified, maleated metal resinate.
Use/Production. (S) Industrial publication gravure printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 6 workers.
Environmental Release/Disposal. Less than 0.2 to 20 kg/batch released to water and land. Disposal by sanitary landfill and burned on the site as fuel.

P 86–1181

Manufacturer. Ethyl Corporation.
Chemical. (S) l-eicosene and isomers.
Use/Production. (G) Chemical intermediate for a contained use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1182

Manufacturer. Confidential.
Chemical. (G) Substituted glycine, derivative.
Use/Production. (G) Chemical intermediate. Prod. range: 11,000 to 13,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 6 workers, up to 0.2 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. No release. Less than 1 kg/batch incineration.

P 86–1183

Manufacturer. Confidential.
Chemical. (G) Substituted (substituted phenyl) alkanamide.
Use/Production. (G) Chemical intermediate. Prod. range: 15,000 to 18,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use.
Environmental Release/Disposal. No release.

P 86–1184

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl siliconate salt.
Use/Production. (S) Additive for automative coolant formulations. Prod. range: Confidential.
Toxicity Data. Acute oral: male, 1.87 ml/kg; female, 0.81 ml/kg; Irritation: Skin-severe; Eye-severe.
Exposure. Confidential.
Environmental Release/Disposal. Confidential

P 86–1185

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl silane ester.
Use/Production. (G) Intermediate in manufacture of organosilicone. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86–1186

Manufacturer. Confidential.
Chemical. (G) Aromatic polyester urethane.
Use/Production. (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000 to 40,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. Minimal.

P 86–1187

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl chlorosilane.
Use/Production. (G) Intermediate for organosilane manufacture. Prod. range: Confidential
Toxicity Data. No data submitted.
Exposure. Confidential
Environmental Release/Disposal. Confidential.

P 86–1188

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Alkyl methacrylate ester.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity Data. LC_{50} hr (Fathead minnow): 23 mgl.
Exposure. Manufacture and processing: dermal.
Environmental Release/Disposal. Released to water. Disposal by incineration, navigable waterway and on-site wastewater treatment facility.

P 86–1189

Manufacturer. Ashland Chemical Company.

Chemical. (G) Bis[oxazoline].

Use/Production. (G) Curing agent for polymers. Prod. range: Confidential.

Toxicity Data. Acute oral: 3.55g/kg; Acute dermal: >2.0 g/kg Skin-non-irritant/corrosive, Eye-irritant.

Exposure. Manufacture: dermal and inhalation, a total of 5 workers, up to 5 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Trace to 7.5 kg/batch released to air, water and land. Disposal by POTW, incineration or recycle and sewer.

P 86-1190

Importer. Takasago USA, Inc.

Chemical. (S) 2,2,4-trimethyl-3-cyclohexene-1-carboxaldehyde.

Use/Import. (S) For use as perfume. Import range: 100 to 200 kg/yr.

Toxicity Data. Acute oral: male—6,900 mg/kg, female—6,200 mg/kg, Irritation: Skin-mild; Ames test: Not mutagenic; Phototoxicity test: Not photoxic; Delayed contact hypersensitivity test: (Guinea pig) negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86-1191

Importer. Takasago USA, Inc.

Chemical. (S) 6-acetyl-1,2,3,4-tetrahydronaphthalene.

Use/Import. (S) For use as perfume. Import range: 100 to 200 kg/yr.

Toxicity Data. Acute oral: male-2,600 mg/kg, female-2,700 mg/kg, Irritation: Skin-Not irritant; Ames test: Not mutagenic; Delayed contact hypersensitivity test: (Guinea pig) negative; Photoxicity test: Weak photoxicity, Patch test: (Human) negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86-1192

Manufacturer. Confidential.

Chemical. (G) Modified acrylate terpolymer.

Use/Production. (G) Industrial thickener for a non-dispersive use. Prod. Range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential

Environmental Release/Disposal. Disposal by POTW.

Dated: June 20, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-14547 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59772, FRL-3039-8]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of two such PMNs and provides a summary of each.

DATE: Close of Review Period:

Y-86-174—July 6, 1986.

Y-86-175—July 9, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y-86-174

Manufacturer. Alkaril Chemicals Inc.

Chemical. (G) Poly(ethylene terephthalate)-poly(oxy-alkyl glycol)-carboxylate polymer.

Use/Production. (G) Fiber and fabric treatment. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted

Environmental Release/Disposal. No data submitted.

Y-86-175

Manufacturer. Confidential.

Chemical. (G) Acrylate copolymer.

Use/Production. (G) Industrial thickener. Non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: June 20, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-14548 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3039-4]

Environmental Impact Statements; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed June 16, 1986 Through June 20, 1986 Pursuant to 40 CFR 1506.9

EIS No. 860239, Final BLM, NV, Elko Resource Area, Resource Management Plan and Wilderness Designation Study, Elko, Lander, and Eureka Cos., Due: July 28, 1986, Contact: Rodney Harris (702) 738-4071.

EIS No. 860240, Final, EPA, MO, Eastern St. Charles County Wastewater Treatment Facilities Improvements, Grant, St. Charles County, Due: July 28, 1986, Contact: Thomas Lorenz (913) 236-2823.

EIS No. 860241, Final AFS, UT, Fishlake National Forest, Land and Resource Management Plan, Due: July 28, 1986, Contact: Andrew Godfrey (801) 896-4491.

EIS No. 860242, Final, UMT, CA, San Diego Trolley East Urban Corridor Transportation Improvements, Extension, San Diego County, Due: July 28, 1986, Contact: Brigid Hynes-Cherin (415) 974-7313.

EIS No. 860243, Draft, FAA, CT, Groton-New London Airport, Runway 5 Medium Intensity Approach Lighting System Installation, Due: August 22, 1986, Contact: Ashraf Jan (617) 273-7260.

EIS No. 860244, DSuppl, FHW, MI, I-94 Improvements, Merriman and Middlebelt Roads Interchanges, New Preferred Construction Alternative, Wayne County, Due: August 11, 1986, Contact: Thomas Fort (517) 377-1879.

EIS No. 860245, Draft, AFS, CA, Los Padres National Forest, Land and Resource Management Plan, Due: August 11, 1986, Contact: Gerald Little (805) 683-6711.

EIS No. 860246, Report, COE, OK, Candy Lake Multipurpose Project, Construction, New Information, Osage County, Contact: Richard Makinen (202) 272-0121.

Amended Notices

EIS No. 860091, Draft, AFS, CA, NV, Lake Tahoe Basin Management Unit National Forest, Land and Resource Management Plan, Due: July 27, 1986, Published FR 3-21-86—Review period extended.

EIS No. 860192, Final, AFS, MT, Deerlodge National Forest, Individual Lodgepole Pine Trees Protection from Mountain Pine Beetle Attacks, Jefferson County, Due: June 23, 1986, Published FR 5-23-86—Incorrect due date.

EIS No. 860226, Final, SFW, AK, Togiak National Wildlife Refuge, Comprehensive Conservation Plan and Wilderness Review Due: August 4, 1986, Published FR 6-20-86—Review period extended.

Dated: June 24, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86-14593 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3039-5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 9, 1986 through June 13, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in **Federal Register** dated February 7, 1986 (51 FR 4804).

Drafts EISs

ERP No. D-CDB-C89026-NY, Rating EC2, Atlantic * additional information in the final EIS regarding mitigation for these impacts.

ERP No. D-DOE-E00005-SC, Rating EO2, Savannah River Plant Alternative Cooling Water Systems for C- and K-Reactors and D- Area Powerhouse, Construction and Operation, SC. Summary: EPA identified a number of major concerns related to the preferred alternatives for the C- and K- Reactors being able to meet water quality standards or to obtain a Section 316(a) variance. These concerns are based on the projected increases in the ambient stream temperatures and the fluctuating, high flow rates. Additional information including predicative biological data and more in-depth information on the water chemistry has been requested by EPA for the final EIS to help in addressing these issues.

ERP No. D-DOE-J22002-CO, Rating LO, Climax Uranium Mill Site, Remedial Actions and Cleanup of Radioactive Contaminated Material, CO. Summary: Based on the draft EIS information, EPA concluded that mill tailings at the former Climax Uranium Company uranium mill at Grand Junction can be relocated to either of the two recommended sites, Cheney Reservoir and Two Road, with full compliance of EPA standards for stabilized pile longevity, radon emissions, and groundwater protection. Although the Two Road site offers certain advantages, its $20 million higher cost provides a sound basis for designating Cheney Reservoir as the preferred option. The comments identify specific points or issues which deserve serious reconsideration in preparation of the final EIS.

ERP No. D-IBR-K30018-CA, Rating EC2, Grass Valley Creek Debris Dam Sediment Control Project, Trinity River, Construction and Operation, CA. Summary: EPA expressed concerns because the draft EIS did not propose sufficient mitigation for lost riparian areas and did not fully discuss water quality impacts.

ERP No. D-SCS-G36136-OK, Rating LO, Dry Creek Watershed Protection and Flood Prevention Plan, 404 Permit Possible, OK. Summary: EPA has no objections to the proposed action considering the 84 acres of wildlife mitigation measures described in the EIS.

Final EISs

ERP No. F-AFS-B65002-00, White Mtn. Nat'l Forest, Land and Resource Mgmt. Plan, NH and ME. Summary: The Forest Service partially responded to EPA comments on the draft EIS by reducing the proposed amount of road expansion and timber harvest. However, EPA still believes the final EIS does not fully address water quality impacts, municipal water supplies, monitoring, and wilderness area designations. EPA has requested that the Plan be revised/amended to include the information and resolve the issues.

ERP No. F-AFS-S65013-PA, Allegheny Nat'l Forest, Land and Resource Mgmt. Plan, Summary: EPA identified a number of problems in the final EIS in the areas of water quality management, timbering procedures, and management objectives. EPA agrees with the tiering approach for segmented development, but requires additional efforts to resolve all major issues.

ERP No. F-COE-D39008-00, Hydrilla Mgmt. and Control in the Potomac River and Tributaries, Chain Bridge to the US 301 Bridge, District of Columbia, MD and VA. Summary: EPA concurred with the US Army COE in their recommendations for mechanical hydrilla control.

ERP No. F-FHW-E40685-TN, TN-386 Extension, I-65 to Hendersonville Bypass, Construction and Right-of-Way Acquisition, 404 Permit, TN. Summary: EPA requested a letter verifying project inclusion in the State Implementation Plan (SIP) from the Nashville and Davidson County Pollution Control Division (if not part of the SIP, a Hydrocarbon Burden Analysis is needed), and additional consideration of noise mitigative methods. A follow-up letter from Federal Highway Administration to address our concerns is requested.

ERP No. F-FHW-J40112-MT, I-15 Beltview Interchange Construction, I-15 to Colonial Drive, MT. Summary: EPA has no objection to the project as proposed in the final EIS.

ERP No. F-FHW-L40121-OR, Alsea River Bridge Replacement, Oregon Coast Hwy./US 101, 404 Permit, OR. Summary: EPA found that a detailed wetland mitigation plan was not included in the final EIS. This is needed before the section 404(b)(1) guidelines and Agency regional wetland mitigation policy can be met.

ERP No. F-SCS-D36102-WV, Middle Grave Creek Watershed Protection and Flood Prevention Plan, 404 Permit, WV. Summary: EPA concurred with the selection of alternatives to resolve the flooding problems. EPA also expressed concern for floodplain regulation to prevent future endangerment to human life and property.

ERP No. F-SCS-D36053-PA, Upper Tioga River Watershed, Protection and Flood Prevention Plan, 404 Permit, PA. Summary: EPA completed its review of the final EIS and concurred with the implementation proposal and its alternatives as recommended.

Dated June 24, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86-14612 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

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* Terminal and Brooklyn Center, Developments, Construction, UDAG, NY. SUMMARY: EPA expressed concern that the preposed development may cause adverse air quality impact. EPA requested

[OPPE-FRL-3040-5]

New Source Performance Standards for Residential Wood Combustion Units, Negotiated Rulemaking Advisory Committee; Open Meeting

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), EPA is giving notice of the last two open meetings of the Advisory Committee on New Source Performance Standards for Residential Wood Combustion Units.

The first two-day meeting is scheduled on Wednesday, July 16, and Thursday, July 17, 1986. The second two-day meeting is scheduled on Wednesday, August 20, and Thursday, August 21, 1986. All days, the meetings will be held at the national Institute for Dispute Resolution, 1901 L Street, NW., Suite 600, Washington, DC 20036. All days, the meetings will begin at 9:00 a.m. and will run until completion.

The purpose of the July meeting is to review a number of the issues discussed in prior meetings that were not resolved. Topics will include the selection of BDT, the selection of emission levels, and weighting bases. At this meeting, we anticipate the group will work toward a consensus on the concepts and language of the proposed rule.

The purpose of the August meeting is to reach consensus on concepts and language to be used for the Notice of Proposed Ruelmaking on New Source Performance Standards for Residential Wood Combustion Units.

If interested in attending, or in receiving more information, please contact Kathy Tyson at (202) 382-5352.

Dated: June 23, 1986.

Milton Russell,

Assistant Administrator for Policy, Planning and Evaluation.

[FR Doc. 86-14551 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

[SW-S-FRL-3040-8]

Region V; Revocation of Certain Safe Drinking Water Act Variances Issued by the Illinois Pollution Control Board; Notice of Decision

AGENCY: U.S. Environmental Protection Agency ("U.S. EPA").

ACTION: Notice of Decision by the Regional Administrator, Region V, to Revoke Certain Safe Drinking Water Act Variances.

SUMMARY: The U.S. EPA is revoking certain variances to federal drinking water standards. These variances do not meet federal Safe Drinking Water Act ("SDWA") requirements. The Illinois Pollution Control Board ("IPCB") issued the variances to several Illinois public water systems. The U.S. EPA announced in the **Federal Register** of January 24, 1986, that it would hold hearings on the proposed revocation of the variances. A public hearing was held on April 1 and 2, 1986, in Chicago, Illinois. Oral and written comments were received during the two-day hearing, and written comments were accepted until May 2, 1986.

Neither the Illinois Environmental Protection Agency ("IEPA") nor IPCB has revised these variances to accord with law or initiated enforcement proceedings against the systems. Since U.S. EPA notified the State of Illinois of the improperly issued variances, 8 of the 21 variances have expired. This notice provides the final decision of the U.S. EPA to revoke the 13 remaining variances.

EFFECTIVE DATE: The revocation of the 13 variances will be effective on September 25, 1986. For purposes of judicial review, this determination is issued at 1:00 p.m. Eastern Time on July 11, 1986.

ADDRESS: The public comments, supporting documentation and a copy of the index to the public docket for this notice of revocation are available for review during normal hours at the U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. A complete copy of the public docket is available for inspection by contacting Mark Messersmith at (312) 353-2151.

FOR FURTHER INFORMATION CONTACT: Joseph R. Harrison, Branch Chief, Safe Drinking Water Branch (5WD), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2151.

SUPPLEMENTARY INFORMATION:

I. Background

To protect the public from health hazards associated with contaminated drinking water, Congress passed the Safe Drinking Water Act of 1974 ("the Act"). As required by the legislation, U.S. EPA established National Interim Primary Drinking Water Regulations in 1975. The regulations set limits on concentrations of bacteriological, chemical, and physical contaminants known to be dangerous to public health. These concentration limits are known as maximum contaminant levels ("MCLs"). The U.S. EPA has also identified treatment technology designed to achieve these MCLs.

The goal of the Act is to assure the provision of safe drinking water by combining the efforts of federal and state autorities. Under the Act, U.S. EPA has the responsibility of establishing regulations defining safe drinking water quality for public water systems, and of assuring that all public water systems provide water meeting this definition. States which adopt regulations at least as stringent as those established by U.S. EPA, and adopt appropriate administrative and enforcement procedures, are delegated primary enforcement responsibility, or "primacy" for administration of the program. The U.S. EPA supports the efforts of primacy states with technical assistance, with financial assistance in the form of program grants, and by review of various actions taken by the states.

In August of 1979, IEPA was granted primary enforcement responsibility for public water systems under the Act. (44 FR 50649, August 29, 1979). This determination was, in part, based upon an agreement that IPCB would issue variances in a manner no less stringent than U.S. EPA and would follow the federal variance and exemption regulations set forth at 40 CFR Part 142, Subparts E and F. (*Id.* at 50649.)

On July 31, 1980, U.S. EPA published its legal interpretation of one of the requirements of section 1415(a)(1)(A) of the Act, 42 U.S.C. 300g-4, and U.S. EPA's regulations. This notice explained that before a variance may be granted, the public water system must have in place and in operation, or in the process of being installed, the best technology, treatment techniques, or other means, which the Administrator finds are generally available, and still be unable to comply with an MCL solely because of poor source water. (45 FR 50833, July 31, 1980.) This is clearly a statutory requirement. The notice also stated that the determination of best technology, treatment techniques, or other means, generally available had been made by the Administrator when the MCLs were established in 1975 through rulemaking. The U.S. EPA identified where those technologies were described in the MCL rulemaking support documents and in other documents. (*Id.* at 50835.) Although the State was aware of this interpretation, it issued variances inconsistent with this and other requirements of Section 1415(a) of the Act, 42 U.S.C. 300g-4, and did not follow its 1975 agreement to accord with the Act and U.S. EPA's regulations. The U.S. EPA notified the State informally in 1984 and again in meetings and letters in May, June, and September, 1985, of the State's failure to accord with the Act, U.S. EPA's regulations and the State's primacy agreement with U.S. EPA.

The Regional Administrator, as delegated by the Administrator, has the authority to review the variances granted by the states with primary enforcement responsibility. The Regional Administrator found that the State of Illinois has, in a substantial number of instances, abused its discretion in granting variances from the National Interim Primary Drinking Water Regulations under section 1415 of the Act, 42 U.S.C. 300g–4. A letter setting forth the notice and findings by the Regional Administrator and the proposed revocation of the variances was sent to IEPA on December 27, 1985, and it is available in the public docket.

Notice of a two-day public hearing was placed in the **Federal Register** on January 24, 1986 (51 FR 3252). The U.S. EPA also placed notice of the hearing in six newspapers of general circulation, and these notices ran from March 12, 1986, to March 14, 1986. The public hearing was held on April 1, 1986, and April 2, 1986. Written comments were also accepted.

Following the conclusion of the two-day public hearing, the hearing officer forwarded the record of the hearing to the Regional Administrator for him to (1) rescind the finding for which the notice as given, or (2) promulgate with any modifications, as appropriate, the revocation of the variances.

II. History of the 21 Variances

On May 3, 1985, U.S. EPA informed IEPA that certain variances granted by IPCB were inconsistent with section 1415 of the Safe Drinking Water Act, 42 U.S.C. 300g–4 and 40 CFR Part 142, Subpart E. Neither IEPA nor IPCB has taken any corrective action, and none of the variances has been revoked by the State.

Pursuant to 40 CFR 142.23, U.S. EPA notified IEPA in the letter of December 27, 1985, of (1) each public water system in Illinois with an improperly issued variance; (2) the reasons each variance is improper; and (3) U.S. EPA's proposed revocation of each improper variance.

The Regional Administrator determined that the following public water supply variances issued by the IPCB do not meet federal requirements, and therefore, proposed that they be revoked:

1. Abingdon (PCB 84–184).
2. Blake Water Corporation (PCB 81–137).
3. Central Illinois Utility (PCB 80–234).
4. Hanna City (PCB 80–206).
5. Hanna City (PCB 80–206, 3/5/81).
6. Henderson (PCB 81–84).
7. Kirkwood (PCB 81–111).
8. Little Swan Lake (PCB 83–74).
9. Oneida (PCB 81–154).
10. Parkersburg (PCB 81–195).
11. Rio (PCB 81–146).
12. Trivoli (PCB 80–208).
13. Wataga (PCB 85–20).
14. Aurora (PCB 85–51).
15. Batavia (PCB 85–11).
16. Burlington (PCB 80–203).
17. Crystal Lake (PCB 84–2).
18. Hampshire (PCB 80–165).
19. Hampshire (PCB 85–114).
20. Hanover Park (PCB 85–22).
21. Knoxville (PCB 84–70).

In issuing these variances, the State failed to follow the requirements of the Act and failed to abide by its primacy agreement with U.S. EPA to follow U.S. EPA's regulations. The above variances failed to meet the initial requirement for the issuance of a variance as detailed in section 1415(a)(1)(A) of the Safe Drinking Water Act, which requires that a State with primary enforcement responsibility may grant one or more variances to a public water system if the system:

> . . . because of characteristics of the raw water sources which are reasonably available to the systems, cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulations despite the application of the best technology, treatment techniques, or other means, which the Administrator finds are generally available (taking costs into consideration).

Thus, among other requirements, the Act mandates that before applying for a variance, a system must have applied the best technology, treatment techniques, or other means, and not have met the MCL. None of the systems granted variances by the State has applied or agreed to apply the technologies identified by the Administrator, despite the fact that the State has been aware of this requirement and of U.S. EPA's identification of the technologies for many years. The State also issued these variance in disregard of its agreement to issue variances in a manner no less stringent than would U.S. EPA.

Each variance also failed to incorporate at least one of the statutory (Section 1415(a) of the Act, 42 U.S.C. 300g–4) and regulatory requirements (40 CFR Part 142, Subpart E), in contravention of its primacy agreement. The variances failed to meet the following statutory and regulatory requirements:

(1) The variances did not contain expeditious compliance schedules prescribed by the State within 1 year of the date of the variance. These compliance schedules must include implementation of interim control measures and must specify interim treatment techniques, methods and equipment, and dates by which steps toward meeting interim control measures are to be met;

(2) The variances did not include dates for increments of progress for implementation of final control measures and final compliance;

(3) Under certain circumstances the variances should have, but did not include the date by which (a) arrangements will be made for a new water source, (b) initiation would be made of the alternative water source, or (c) improvements would be made in the existing source.

(4) The State failed to document that the granting of a variance would not result in an unreasonable risk to health.

(5) The U.S. EPA received no evidence from IEPA that the variance request included the following requirements: relevant analytical results; a proposed expeditious compliance schedule; a discussion of best available technology; economic and legal factors; a plan for emergency provision of safe water; a plan for interim control measures; and a statement that the system will perform monitoring requirements.

The U.S. EPA informed the State that all of the above-mentioned variances must be revoked or voided by the State. The variances should have been replaced with enforceable compliance schedules embodied in a State judicial or administrative order, as appropriate to the violation. At a minimum, each order should have required: (1) An expeditious and enforceable schedule for implementation of control measures that will result in final compliance with the National Interim Primary Drinking Water Regulations under the Safe Drinking Water Act; (2) enforceable implementation milestones sufficient in number to guarantee expeditious final compliance; and (3) the implementation of specific interim control measures to reduce contaminants to the greatest extent possible pending final compliance. Minimum increments of progress were to be: the submittal of plans to IEPA; the beginning of construction; the expeditious completion of construction; and the achievement and demonstration of final compliance with the MCL and specified reporting and monitoring requirements.

The U.S. EPA would have withdrawn the proposed revocation if the State had revoked the variances or taken other action consistent with federal guidance and regulations, or commenced state enforcement action. The State has not taken these actions. Further, none of the public comments received by the U.S. EPA on the proposed revocations, identified any significant or new information or arguments.

III. Final Decision to Revoke the Variances

In view of all the above-mentioned factors, the Regional Administrator of Region V, has determined to revoke the following variances:

Hanover Park (PCB 85–22).
Blake Water Corporation (PCB 81–137).
Kirkwood (PCB 81–111).
Oneida (PCB 81–154).
Rio (PCB 81–146).
Hampshire (PCB 81–114).
Parkersburg (PCB 81–195).
Knoxville (PCB 84–70).
Abingdon (PCB 84–184).
Little Swan Lake (PCB 83–74).
Batavia (PCB 85–11).
Aurora (PCB 85–51).
Wataga (PCB 85–20).

Pursuant to 40 CFR 142.23(f), these revocations will take effect on September 25, 1986.

The following variances have or will have expired prior to September 25, 1986. If these variances had not expired under their own terms, they would have been revoked for the same reasons the Regional Administrator revoked the above listed variances:

Hampshire (PCB 80–165).
Hanna City (PCB 80–206).
Hanna City (PCB 80–206, 3/5/81).
Trivoli (PCB 80–208).
Burlington (PCB 80–203).
Central Illinois Utility (PCB 80–234).
Crystal Lake (PCB 84–2).
Henderson (PCB 81–84).

After September 25, 1986, a system without a valid variance is not in compliance with the MCLs. Any such system will be subject to a federal or state enforcement action, pursuant to section 1414 of the Act, 42 U.S.C. 300g–3.

IV. Summary of Public Comments and U.S. EPA's Responses

The following is a summary of the principal public comments to U.S. EPA's proposed revocation of the 21 variances issued by IPCB, and U.S. EPA's responses to these comments. These comments were received either during the public hearing or submitted in written form to the Agency by May 2, 1986. A detailed recitation of all comments received and U.S. EPA's responses are presented in the document entitled "Response to Comments Received on the Proposed Revocation of 21 Safe Drinking Water Act Variances Issued by IPCB to 19 Illinois Public Water Systems." This document is available in the public docket.

Many of the comments received did not address the proposed revocations. The U.S. EPA did, however, examine all comments received for any information which might affect the proposed revocation. This review did not identify any significant or new information or arguments. A brief review of the major comments and U.S. EPA's responses follows.

1. *Comment:* The State is able to issue variances which do not require the public water system to apply BTGA because the Administrator has not made a specific determination of the BTGA. This determination must be proposed and promulgated in the **Federal Register**, and a single "best" treatment must be identified by the Administrator before the State must require the systems to apply BTGA.

Response: The U.S. EPA disagrees. The State has been aware for many years that U.S. EPA has identified these techniques in promulgating the MCLs in 1975.

The available technologies are described by U.S. EPA in the economic impact assessments prepared for the proposal and promulgation of the National Interim Primacy Drinking Water Regulations. They are also found in U.S. EPA's publication *Manual of Treatment Techniques for Meeting the Interim Primacy Drinking Water Regulations* [EPA–600/877005, May 1977].

For fluoride, one of the contaminants covered by several variances, U.S. EPA promulgated a finding of BTGA for purposes of section 1415 of the Act, 42 U.S.C. 300g–4, in U.S. EPA's regulations (40 CFR 142.61(a)). (51 FR 11396, 11411; April 2, 1986). Moreover, the State has agreed in its primacy agreement to follow U.S. EPA's regulations and interpretations in issuing variances. The State did not raise this argument when it accepted primacy, but now attempts to avoid this responsibility. Although states are not required to assume primacy, when they do so, states must adhere to U.S. EPA's statutes, regulations and primacy agreements.

The U.S. EPA also notes that neither Section 1412 nor Section 1415 of the Act, 42 U.S.C. 300g–1 and 300g–4, requires U.S. EPA to promulgate its findings of best technology, treatment techniques, or other means as a regulation. (However, as noted above, U.S. EPA did identify them as part of the MCL rulemaking.) There is also no prohibition within the Act on the identification of more than one technology for treating contaminants.

2. *Comment:* Section 1415 of the Act, 42 U.S.C. 300g–4, requires the Administrator to find BTGA and "other means" which will enable public water systems to achieve compliance with the MCLs. The Administrator has not identified these "other means;" therefore, only the installation of BTGA will satisfy U.S. EPA.

Response: The U.S. EPA disagrees. Public water systems can use any technology available to achieve compliance. However, if the system is to be issued a variance, it must have applied or agreed to apply, the "best technology, treatment techniques, or other means" identified by the Administrator, and not be able to achieve the MCL (Section 1415(a)(1), 42 U.S.C. 300g–4). The U.S. EPA is not required by Sections 1412 or 1415 of the Act, 42 U.S.C. 300g–1 and 300g–4, to identify "other means" as long as it determines that "best technology" or "best treatment techniques" are generally available. The State has known of U.S. EPA's identification of best technology since U.S. EPA's 1975 rulemaking and because of the Agency's consistent interpretation of the states' responsibilities in issuing variances.

3. *Comment:* Several commenters stated that they had determined on their own, or through advice of a private consultant, that the short-term health effects of the levels of radium, barium and fluoride found in subject Illinois water systems are "negligible," or that the MCLs are too stringent.

Response: The MCLs promulgated by U.S. EPA for various drinking water contaminants have been established after considerable research, public testimony and input from persons and organizations throughout the country. The decision regarding the exact numerical value is based on the best evidence available at the time of promulgation. The level will protect health to the extent feasible at a level that is technically achievable at reasonable cost. (Section 1412(a) of the Act, 42 U.S.C. 300g–1(a).)

The intent of the Congressional mandate was for U.S. EPA to establish and enforce regulations controlling maximum allowable concentrations (or maximum contaminant levels) of contaminants found in drinking water. These regulations apply to all public water systems throughout the country. The Act has no provisions for individual states or water systems to decide that they need not adhere to the established MCLs because they do not agree with the standard.

All of the federal drinking water MCLs are presently being reviewed. Persons and organizations with new evidence regarding the treatment, health effects and cost of achieving compliance are urged to provide comment during the appropriate rulemaking process. Until such time as a change in any MCL occurs, U.S. EPA will enforce the existing MCLs. States are also required to respect and enforce existing MCLs.

4. *Comment:* U.S. EPA's contention that the subject variances do not contain valid compliance schedules and a requirement for compliance is incorrect.

The IPCB "order" and variance expiration date is intended to be a requirement for final compliance.

Response: The U.S. EPA agrees that some public water systems have apparently interpreted the variance expiration date to be a final compliance date, and have attempted to achieve compliance by that date. However, there are a number of systems that have made no attempt to comply by the expiration date and IPCB has not enforced this expiration date as a deadline for compliance. The above-stated facts have led U.S. EPA to the conclusion that the variances issued by IPCB do not clearly and sufficiently set forth the required increments of progress and the final compliance date.

5. *Comment:* For many public water systems, the most cost-effective method of meeting a MCL may be to blend water from various sources, or obtain a new water source. Commenters asked why these systems would be required to install BTGA.

Response: The U.S. EPA specifies the treatment methods available in order to ensure that some means exists for meeting the standard if no other water sources are available. If another source *is* available, it should be considered by the system and the advantages of this source be weighed against the advantages of BTGA. Systems are free to choose any means of compliance and, if they comply, a variance is not available or appropriate. The U.S. EPA's goal is not to require treatment by any particular technology, but rather to bring the system into compliance. Systems are not required to obtain variances, but if they apply for a variance, then they must have installed or agreed to install the best technology, treatment techniques, or other means identified by the Administrator, and not be able to comply with the MCL.

6. *Comment:* In view of the recent change in the fluoride MCL to 4 mg/l, the IPCB variances to Illinois water systems having an average fluoride concentration of less than 4 mg/l need not be revoked.

Response: The U.S. EPA disagrees. The U.S. EPA is revoking the unexpired fluoride variances for the specific reasons stated in the record. This change in the standard does not render the variances consistent with federal laws or regulations; because these variances failed to meet the federal variances requirements set forth in the Act and 40 CFR Part 142, Subpart E, they will be revoked.

7. *Comment:* A public water system which is implementing its own plan for compliance has met the requirements for a variance because it has "committed to install" BTGA.

Response: The U.S. EPA disagrees. There are a number of requirements for a variance, including one that a public water system has installed or agreed to install the best technology, treatment techniques, or other means, and is not able to meet the MCL. A system which has committed to install BTGA may be issued a variance provided that the system has agreed to a state-issued compliance order which indicates a date certain for the installation of a specific BTGA. None of the variances being revoked met this requirement.

8. *Comment:* The requisite findings that the variances cause no unreasonable risk to health have been implicit in IPCB's findings of arbitrary or unreasonable hardship.

Response: A claim that the issuance of a variance will cause no unreasonable risk to health must be specifically substantiated with an argument presented as an integral part of the variance petition and/or order. Moreover, this argument should be in the form of a report document which supports a sound toxicological judgment regarding the involved health risks. The findings regarding hardship of compliance to the system do not address questions of risk to drinking water consumers. It is not adequate, nor is it proper in the issuance of variances, to assume or imply such a significant finding.

Dated: June 19, 1986.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 86-14536 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-3038-9]

Science Advisory Board, Environmental Health Committee, Halogenated Organics Subcommittee, Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Halogenated Organics Subcommittee of the Environmental Health Committee of the Science Advisory Board will be held on Wednesday and Thursday, July 23-24, 1986, in Room 2034 of Breidenthal Hall at the University of Kansas; 2002 39th Street; Kansas City, Kansas 66103. The meeting will start at 1:00 p.m. and adjourn no later than 4:00 p.m. on the next day.

The purpose of the meeting will be to discuss a draft Health Effects Criteria Document for Chlorobenzene (PB86-117769/AS; monochlorobenzene; June, 1985). A proposed recommended maximum contaminant level for chlorobenzene was published on November 13, 1985 (50 FR 46936-47022). A public review meeting was held on January 28, 1986, and the public comment period closed on March 13, 1986. The comments received to date are under review by EPA. To obtain a copy of the draft document, write to the National Technical Information Service; U.S. Department of Commerce; 5285 Port Royal Road; Springfield, VA; 22161 or phone (800) 336-4700. A fee will be charged. Additional comments on the draft document may be submitted by mail to the Comment Clerk, Criteria and Standards Division [WH-550], Office of Drinking Water, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The meeting will be open to the public. Any member of the public desiring to attend or to provide comments to the Subcommittee should contact either Dr. Daniel Byrd, Executive Secretary to the Committee, or Mrs. Brenda Johnson, by telephone at (202)382-2552 or by mail to the Science Advisory Board (A-101F), 401 M Street SW., Washington, DC 20460, no later than close of business on July 21, 1986.

Dated: June 20, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-14541 Filed 6-26-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Memorandum Opinion and Order Designating Application for Hearing

In reapplication of CC Docket No. 86-197

	File No.
Ram Communications of Indiana, Inc.,	22343-CD-P/L-01-85
Ram Communications of Indiana, Inc.,	23671-CD-P/L-01-85
Better Beepers, Inc.....	22462-CD-P/L-01-85

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order designating applications for hearing.

SUMMARY: This order designates three applications in the Public Land Mobile Service for comparative hearing pursuant to § 22.33(c)(i) of the Federal Communication Commission's rules, 47 CFR 22.33(c)(i). Ram Communications of Indiana proposes to add two additional transmitter locations on frequency 158.70 MHz to its existing nearby one-way facilities. Better Beepers, Inc.

proposes to add a new one-way station on frequency 158.70 MHz to its existing station at Marion, Indiana. The Commission finds that it is in the public interest to allow each applicant to attempt to prove that its proposed new service will benefit the public more than that proposed by the other mutually exclusive applicant.

DATES: Within 20 days of the release date of this Order, applicants must file a written notice of their intention to appear on the day of the hearing and to present evidence on the specified issues.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

Contact: For further information, contact Andrew Nachby at (202) 632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order designating applications for hearing, adopted May 7, 1986 and released June 4, 1986. The full text of Commission decisions is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor: International Transcription Service, 2100 M Street, NW., Washington, DC 20037, (202) 857-3800.

Federal Communications Commission.

Kevin J. Kelley,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 86-14566 Filed 6-26-86; 8:45 am]

BILLING CODE 6712-01-M

Petitions Filed Seeking Reconsideration of Interim NTS Guidelines Order

June 10, 1986.

On May 28 and 29, 1986, four petitions were filed seeking reconsideration of various aspects of the Commission's Interim NTS Guidelines Order. *Petitions for Waiver of Various Sections of Part 69 of the Commission's Rules,* Memorandum Opinion and Order, FCC 86-145 (released April 28, 1986). The parties seeking reconsideration are: (1) The Central Committee on Telecommunications of the American Petroleum Institute and the Utilities Telecommunications Council; (2) Pacific Bell; (3) the Secretary of Defense and the Administrator of General Services; and (4) Ad Hoc Telecommunications Users Committee.

Oppositions to these petitions for reconsideration should be filed by July 10, 1986; replies to oppositions should be filed by July 25 1986. All pleadings should be filed with the Secretary, FCC, 1919 M Street, NW., Washington, D.C. 20554. Oppositions should be served on petitioners; replies on petitioners and all parties filing oppositions. Copies of all pleadings also should be provided to Jim Schlichting, Room 544, FCC, 1919 M Street, NW., Washington, DC. 20554, and to the International Transcription Service (ITS), 1919 M Street, N.W., Washington, D.C. 20554, (202) 857-3800. Copies of the petitions and all pleadings can be obtained from ITS.

FOR FURTHER INFORMATION CONTACT: Jim Schlichting, Special Counsel for Domestic Policy, Policy and Program Planning Division, at (202) 632-9342.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-14570 Filed 6-26-86; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1559]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

June 19, 1986.

Petitions for reconsideration have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.49(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to these petitions must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: MTS and WATS Market Structure: Average Schedule Companies.
(CC Docket No. 78-72, Phase I)
Number of Petitions received: 2

Subject: Deregulation of Domestic Receive-Only Satellite Earth Stations.
(CC Docket No. 78-374)
Number of Petitions received: 1

Subject: Interconnection Arrangements Between and Among the Domestic and International Record Carriers.
(CC Docket No. 82-122)
The Western Union Telegraph Co. Revisions to Tariff F.C.C. Nos. 240 and 258 filed with Transmittal No. 7346; Revisions to Tariff F.C.C. Nos. 268 and 269 filed with Transmittal Nos. 7347 and 7348; Revisions to Tariff F.C.C. Nos. 229, 240, 254, 258, 260, 263 and 268 filed with Transmittal No. 7417
(CC Docket No. 78-97, Phase II)
Number of petitions received: 2

Subject: Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments.
(MM Docket No. 84-231)
Number of petitions received: 1

Subject: Establishment of Satellite Systems Providing International Communications
(CC Docket No. 84-1299)
Number of petitions received: 1

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-14569 Filed 6-26-86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Cape Cod Wireless Co. et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. John T. Galanses & Betsy Ann Abreu Vasquez De Lopez d.b.a. Cape Cod Wireless Co.; Truro, MA.	BPH-840813IF	86-187
B. Northern Lights Broadcating, Co., Truro, MA.	BPH-841004IA	
C. Primo Communications, Inc.; Truro, MA.	BPH-841031IM	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A, B, C
2. Comparative, A, B, C
3. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an

Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, DC 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

1. If a final environmental impact statement is issued with respect to A (Cape Cod), B (Northern) and/or C (Primo) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine:

(a) Whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicants are qualified to construct and operate as proposed.

[FR Doc. 86-14571 Filed 6-26-86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; J. Christoper Robinson et al.

1. The Commission has before it the following mutually exclusive applications for a new AM station:

Applicant, city and State	File No.	MM Docket No.
A. J. Christopher Robinson, Trustee in Bankruptcy, WLVG (AM); Cambridge, MA.	BR-801201YO BR-840115UB	86-170
B. Nash Communications Corp., WILD (AM); Boston, MA.	BP-810302AE	
C. J. Christopher Robinson, Trustee in Bankruptcy and Inspiration Communications, Inc. WLVG (AM); Cambridge, MA.	BAL-850214FI	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose heading are set forth below. The text of each of these issues has been standarized and is set forth in its entirety under the corresponding headings at 51 FR 19347 May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Comparative, B, C
Ultimate, All applicants
Appendix attached, C

3. If there is any non-standarized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete test may also be purchases from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

WLVG(AM)

1. To determine with respect to the assignment application filed by J. Christopher Robinson, Trustee in Bankruptcy, and Inspiration Communications Corporation:

(a) Whether section 310(d) of the Communications Act of 1934, as amended, has been violated by an unauthorized transfer of control between the applicants.

(b) In light of the evidence adduced pursuant to (a) above, whether Inspiration Communications Corporation possesses the requisite qualifications to become a Commission licensee.[1]

Note.—Footnote 1 appeared as footnote 9 in the original text).

[FR Doc. 86-14572 Filed 6-26-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Banco De Vizcaya et. al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 CFR 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 17, 1986.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Banco De Vizcaya*, Bilbao, Spain; to engage *de novo* through its subsidiary, New Mexico Banquest Corporation, Santa Fe, New Mexico, in providing to others data processing and transmission services and facilities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

2. *Financial Shares, Inc.* Morland, Kansas; to engage directly in the activity of acting as agent for the sale of general insurance in a town of less than 5,000 in population under section 4(c) (8) (C) (i) of the Bank Holding Company Act. These activities will be conducted in Graham County, Kansas.

Board of Governors of the Federal Reserve System, June 24, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-14595 Filed 6-26-86; 8:45 am]

BILLING CODE 6210-01-M

The Colonial Bancgroup, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding

[1] In the event that an adverse finding is made with regard to a violation of section 310(d), and this does not operate as a basic disqualifying factor in determining whether ICU should become a Commission licensee, the Mass Media Bureau may consider other appropriate sanctions.

company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 21, 1986.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *The Colonial BancGroup, Inc.*, Montgomery, Alabama; to acquire 100 percent of the voting shares of Bank of Anniston, Anniston, Alabama.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Security National Corporation*, Omaha, Nebraska; to become bank holding company by acquiring 92.67 percent of the voting shares of Security National Bank of Omaha, Omaha, Nebraska.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Rainier Bancorporation*, Seattle, Washington; to acquire 100 percent of the voting shares of Mount Hood Security Bank, Gresham, Oregon.

Board of Governors of the Federal Reserve System, June 24, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-14596 Filed 6-26-86; 8:45 am]

BILLING CODE 6210-01-M

Bayerische Vereinsbank et al.; Applications To Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 17, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Bayerische Vereinsbank*, Munich, Federal Republic of Germany; to engage *de novo* through its subsidiary, AE Capital Management, Inc., New York, New York, in rendering of portfolio investment advice to the extent permitted by § 225.25(b)(4) of the Board's Regulation Y. The comment period on this application ends July 14, 1986.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Metropolitan Bancshares, Inc.*, Dallas, Texas, to engage *de novo* in making, acquiring and servicing loans such as would be made by finance or credit card companies pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *Metropolitan Bancshares, Inc.*, Dallas, Texas, to engage *de novo* in providing to others financially related data processing and data transmission services, facilities, and data bases, or access to them for an affiliate bank pursuant to § 225.25(b)(7) of the Board's Regulation Y. These activities will be performed in the State of Texas.

Board of Governors of the Federal Reserve System, June 23, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-14526 Filed 6-26-86; 8:45 am]

BILLING CODE 6210-01-M

Otto Bremer Foundation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than July 21, 1986.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Otto Bremer Foundation and Bremer Financial Corporation*, both of St. Paul, Minnesota; to acquire First American Trust Company of Minnesota, Marshall, Minnesota, and thereby engage in trust activities from offices in Redwood Falls, Granite Falls, Alexandria, Breckenridge, Detroit Lakes and Crookston all located in the State of Minnesota.

Board of Governors of the Federal Reserve System, June 23, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 14527 Filed 6–26–86; 8:45 am]

BILLING CODE 6210–01–M

Progressive Bank, Inc., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 21, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President), 33 Liberty Street, New York, New York 10045:

1. *Progressive Bank, Inc.*, Pawling, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Pawling Savings Bank, Pawling, New York.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *Adamsville Bancshares, Inc.*, Adamsville, Tennessee; to bcome a bank holding company by acquiring 98 percent of the voting shares of Bank of Adamsville, Adamsville, Tennessee.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *United Bankers, Inc.*, Waco, Texas; to acquire 100 percent of the voting shares of First National Bank, Sherman, Texas.

Board of Governors of the Federal Reserve System, June 23, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–14528 Filed 6–26–86; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 20, 1986.

Public Health Service

(Call Reports Clearance Officer on 202–245–2100 for copies of packages)

Office of the Assistant Secretary for Health

Subject: 42 CFR 50 Subpart B: Sterilization of Persons in Federally Assisted Family Planning Projects—Existing Collection
Respondents: Individuals or households; State or local governments; Non-profit institutions
Subject: Evaluation of Data Dissemination and Data Use (Users Survey)—NEW
Respondents: Individuals or households; State and local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations

National Institutes of Health

Subject: Cancer Risk in X-Ray Technologists—Extension—(0925–0164)
Respondents: Individuals or households; State or local governments; Businesses or other for-profit; Non-profit institutions

Centers for Disease Control

Subject: Assessment of Hepatitis B Vaccine Use in High-Risk Groups—NEW
Respondents: Individuals or households
Subject: National Nosocomial Infections Surveillance System Evaluation Project—NEW
Respondents: Businesses or other for-profit
OMB Desk Officer: Bruce Artim

Social Security Administration

(Call Reports Clearance Officer on 301–594–5706 for copies of package)
Subject: Monthly "Flash" Report of Selected Program Data—Extension—(0960–0152)
Respondents: State or local governments
OMB Desk Officer: Judy A. McIntosh

Office of the Secretary

(Call Reports Clearance Officer on 202–245–6511 for copies of package)

Office of the Inspector General

Subject: Review of Oxygen Concentrator Rental Charges to Part B of the Medicare Program—NEW
Respondents: Individual or households
OMB Desk Officer: Fay Iudicello

Health Care Financing Administration

(Call Reports Clearance Officer on 301–594–8650 for copies of package)
Subject: Home Office Cost Statement—Reinstatement—(0938–0202)—HCFA—287
Respondents: Small businesses or organizations
Subject: Medicaid State Agency Third Party Liability Inventory Form—Extension—(0938–0414)—HCFA—464
Respondents: State or local governments
Subject: Intermediate Care Facilities for the Mentally Retarded Prototype Survey Report Form—NEW
Respondents: Small businesses or organizations
Subject: Emergency and Foreign Hospital Services—Beneficiary Statement in Canadian Travel Claims—Existing Collection—HCFA–R–96
Respondents: Individuals or households
OMB Desk Officer: Fay S Iudicello

Office of Human Development Services

(Call Reports Clearance Officer on 202–472–4415 for copies of package)
Subject: Section IV, Narrative, Form SF–424, Application for Grant Under Title VI, Older Americans Act, Grant to Indian Tribes for Supportive and Nutritional Services—Revision—(0980–0161)
Respondents: State or local governments
Subject: Annual Summary of Child Welfare Services and Annual Budget Request for Title IV–B Funds—Extension—(0980–0047)
Respondents: State or local governments
OMB Desk Officer: Judy A. McIntosh

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503. Attn: (name of OMB Desk Officer)

Dated: June 23, 1986.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86–14532 Filed 6–26–86; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 86N–0251]

Public Workshop; Bioequivalence of Solid Oral Dosage Forms

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing further information about a forthcoming public workshop to discuss the bioequivalence of solid oral drug dosage forms. This notice includes information on the organization of the workshop and directions for attendance and speaker participation.

DATES: The workshop will be held September 29 through October 1, 1986, 9 a.m. to 5 p.m.

ADDRESSES: The workshop will be held in the first floor auditorium at the Department of Health and Human Services, North Bldg., 330 Independence Ave. SW., Washington, DC. Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Donald B. Hare, or Edwin V. Dutra, Jr., Center for Drugs and Biologics (HFN–203), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2784.

SUPPLEMENTARY INFORMATION:

Background

In the **Federal Register** of January 17, 1986 (51 FR 2574), FDA issued a notice announcing a public workshop to provide a forum to discuss the bioequivalence of conventional release solid oral drug dosage forms. The notice explained that bioequivalence testing based upon pharmacokinetic principles is a comparatively new and evolving area of science and, as such, the current methodology employed in the design and evaluation of bioequivalence trials could be further improved. In the **Federal Register** of March 18, 1986 (51 9265), FDA issued a notice changing the dates of the workshop to September 29 through October 1, 1986, 9 a.m. to 5 p.m.

Topics

The workshop will provide a forum to discuss the following topics and others that may be suggested later:

Topic 1: Design of Bioequivalence Studies

(1) Size of group, i.e., number of subjects in a bioequivalence study.

(2) Plasma levels vs. site of action.

(3) Healthy adult volunteers vs. patients.

(4) Special populations: elderly, children, achlorhydric patients, etc.

(5) Drugs with first pass effect.

(6) Measurement of active drug and/or metabolites.

(7) Single dose vs. multiple dose steady state studies.

(8) Use of animal models.

(9) Drugs not systemically absorbed.

Topic 2: Criteria for Bioequivalence

(1) ±20 Percent rule.

(2) Intra- and inter-subject variability.

(3) Clinical significance of bioequivalence criteria.

(4) How closely should bioequivalence limits be set to clinical significance limits?

(5) Justification for repeating clinical efficacy and safety studies.

(6) Reformulations: Types of changes that would trigger an in vivo bioequivalence study.

Topic 3: Quantitative and Statistical Analysis of Data From Bioequivalence Studies

(1) 75/75 Rule: What is it and should it be used in determining bioequivalence?

(2) Analysis of variance, F-test, and power of the study.

(3) Confidence Interval Approach: Westlake Symmetrical C.I.; two one-sided t-test, etc.

(4) Treatment of outliers.

(5) Other statistical criteria or approaches.

Topic 4: In Vitro Testing for Bioequivalence

(1) When can in vitro testing be appropriate for determining bioequivalence instead of in vivo testing? Is it necessary to correlate in vivo and in vitro testing data?

(2) Types of in vitro testing for bioequivalence.

(3) pH dependent formulations and in vitro testing.

(4) Water insoluble drugs: in vitro testing.

(5) Other issues concerning bioequivalence and in vitro testing.

Topic 5: Agency Procedures and Regulatory Aspects of Bioequivalence

(1) Procedures the agency should use when innovator product is not adequately bioavailable.

(2) Procedures/policy for waiver of in vivo bioequivalence studies.

(3) Notice and comment rulemaking vs. informal guidance.

(4) Guidance protocols for in vivo bioequivalence study and in vitro testing.

(5) How FDA communicates criteria and obtains input from the scientific community.

(6) Mechanisms for challenging FDA policy.

Each session's chairperson will make brief introductory comments. The session will then be opened to statements from the floor (based upon prior time requested for presentation) dealing with technical, scientific, regulatory, and policy aspects of bioequivalence. Although an effort will be made by each session's chairperson to allow discussion and questions from the floor, this interchange among participants will depend on available time and will be at the discretion of the chairperson.

The agency requests that general statements or arguments be presented in writing, to allow more time for speakers who have detailed scientific or regulatory points to present. All attendees and participants should be conversant with the scientific and

technical aspects of the topics. Time will not be allotted for lengthy introductory or general background material to precede discussion.

A packet of pertinent background materials is available from FDA by writing to Bioequivalence Materials (HFN-203), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Attendance and Participation

Every effort will be made to accommodate each person who wants to participate in the public workshop. However, each person who wants to ensure his or her participation in the workshop is encouraged, by close of business on July 28, 1986, to: (1) Submit a brief description, abstract, or outline of the presentation so that the session chairperson and any other persons who may serve on a panel conducting the workshop may formulate useful questions to be posed at the workshop; and (2) file a written notice of participation containing the name, address, phone number, affiliation, if any, of the participant, topic of presentation, and approximate amount of time requested for the presentation.

Interested pesons who do not plan to make a presentation but who want to attend the workshop as observers are encouraged to notify the agency. Reserved seating will not be available, but if the agency is aware that more people will attend than the auditorium will accommodate, other arrangements may be made. Seating preference will be given to those persons making a presentation.

The requested information including the written notice of participation may be submitted to Donald B. Hare or Edwin V. Dutra, Jr., address above.

By August 26, 1986, the amount of time allotted to each person and the approximate time that oral presentation is scheduled to begin will be determined. A workshop schedule showing the persons making oral presentations and the time allotted to each person will be filed with the Dockets Management Branch (address above) and mailed to each participant before the workshop. Interested persons attending the workshop who did not request an opportunity to make an oral presentation will be given an opportunity to make an oral presentation at the conclusion of the workshop, as time permits and at the discretion of the session chairperson. Also, at the descretion of the session chairperson, comments regarding presentations may be made at the end of each session if time permits. The workshop will be informal in nature, but participants should keep to the scientific subjects.

Any interested person may submit written comments to the Dockets Management Branch (address above). Comments should be identified with the docket number appearing in the heading of this notice and should be submitted by December 1, 1986.

Dated: June 23, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-14524 Filed 6-26-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Public Room Hours

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Utah State Office, Bureau of Land Management, Department of Interior, 324 South State Street, Salt Lake City, Utah 84111-2303, announces that effective July 14, 1986, the Public Room will be opened to the public from 9:00 a.m. to 4:00 p.m. for reviewing records and conducting other official business.

Dated: June 23, 1986.

W.R. Papworth,

Deputy State Director, Operations.

[FR Doc. 86-14529 Filed 6-26-86; 8:45 am]

BILLING CODE 4310-DQ-M

[NV-040-06-4212-14; N-41973, N-41974]

Realty Action; Sale of Public Land in White Pine County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action. Modified Competitive Sale, Public Land.

SUMMARY: The following described land has been examined and identified as suitable for disposal by modified competitive bidding under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value:

Serial No.	Legal description	Acres	Parcel No.
N-41973	T. 22 N., R. 64 E., MDM; sec. 11, SW¼ NW¼.	±40	1
N-41974	T. 18 N., R. 63 E., MDM; sec. 24, SW¼ NE¼.	±40	2

The proposed sale of these two parcels is consistent with the Bureau's planning system. The land is not needed for any resource program and is not suitable for management by the Bureau or another Federal department or agency. After consulting with White Pine County government, the State of Nevada, and members of the public, it has been determined that the public interest would be served by offering the lands for sale.

The patent to Parcel 1, when issued, will contain resevation to the Untied States for:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

2. Oil and gas, geothermal, and sodium and potassium resources.

Parcel 1 will also be subject to:

1. A right-of-way 66 feet wide for White Pine County Road No. 18 (R.S. 2477).

2. Those rights for powerline purposes granted to Mt. Wheeler Power, Inc., by Permit No. N-5638.

3. Those rights for telephone line purposes granted to Nevada Bell by Permit No. N-7932.

4. Those rights granted by oil and gas lease N-35056 to Sonat Exploration Company. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

The patent to Parcel 2, when issued, will contain a reservation to the United States for a right-of-way for constructing ditches and canals, and will be subject to those rights for powerline purposes granted to Mt. Wheeler Power, Inc. by Permit No. N-5485.

A detailed description of the above reservations is available from the address given below.

The lands are proposed to be offered for sale by sealed bid utilizing modified competitive bidding procedures. The adjacent landowners who are also the the grazing permittees will be the designated bidders given a preference right to purchase the parcel adjacent to their private land by meeting the high bid. The designated bidders, or a duly qualified agent, must be present at the sale and must submit a sealed bid, appraised value or higher, in order to qualify to meet the highest sealed bid. Marvin J. Jessen, is the designated bidder for Parcel 1, and the Pescio Brothers are the designated bidders for Parcel 2. Failure of the designated bidders to exercise this option to meet the high bid shall constitute a waiver of such bidding provision.

Conveyance of the available mineral estate will occur simultaneously with the sale of the lands. A successful bid

for the land will constitute an application to purchase the mineral estates having no known mineral values. A $50.00 nonrefundable fee for the available mineral estate must accompany the bid.

The sale will be held on Septmeber 24, 1986, at 1:30 p.m., at the BLM Ely District Office, SR 5, Box 1, Ely, Nevada 89301. The appraised fair market value of both parcels will be available at a later date, but not less than 20 days before for sale.

Detailed bidding instructions and other conditions of sale are available upon request at the above address. Failure to submit a bid in accordance with these detailed bidding instructions may result in rejection of the bid.

The land will not be offered for sale for at least 60 days after the date this notice is published in the **Federal Register.** If the lands are not sold on September 24, 1986, they will be reoffered to the public on October 1, 1986, and thereafter on the first Wednesday of each month until sold or removed from sale by the authorized officer.

There will be no reduction of animal unit months from the grazing allotments involved in this sale proposal.

Publication of this notice in the **Federal Register** segregates the public lands from the operation of all the other public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of the publications, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the District Manager, Bureau of Land Management, SR 5, P.O. Box 1, Ely, Nevada 89301. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: June 18, 1986.

Kenneth G. Walker,

District Manager.

[FR Doc. 86-14592 Filed 6-26-86; 8:45 am]

BILLING CODE 4310-HC-M

Minerals Management Service

Royalty Management Advisory Committee, Gas Valuation Regulation Review Working Panel; Meeting

AGENCY: Mineral Management Service (MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management Service (MMS) Royalty Management Program, hereby gives notice that the Gas Valuation Regulations Review Working Panel, established by the Royalty Management Advisory Committee, will meet in Lakewood, Colorado, at the location and on the dates indicated below.

On February 5, 1986, MMS published an advance notice of proposed rulemaking in the **Federal Register** making available for public comment draft regulations pertaining to the valuation of gas and associated products as well as gas processing allowances and transportation allowances. All public comments were made available to the Royalty Management Advisory Committee and the Gas Valuation Regulations Review Working Panel. The Panel is reviewing the draft regulations and making recommendations as necessary. The Panel held their last meeting on June 12 and 13, 1986, which was announced in the **Federal Register** on June 5, 1986.

DATES: Location and dates: The Gas Valuation Regulations Review Working Palnel will meet at the Sheraton Inn Hotel, 360 Union Boulevard, Lakewood, Colorado, June 30, July 1–2, 1986.

The Panel will meet from 8 a.m. to 5 p.m. daily, except that the meeting on June 30 will start at 9 a.m. and the meeting on July 2 will adjourn at 3 p.m.

The public is invited to attend these meetings and make oral or written comments. A time will be set aside by the Panel chairperson during which the public will be invited to make oral comments. Written comments should be submitted by July 16, 1986, to the address listed below.

FOR FURTHER INFORMATION CONTACT: Vernon B. Ingraham, Minerals Management Service, Royalty Management Program, Office of External Affairs, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 660, Denver, Colorado 80225, telephone number (303) 231–3360, (FTS) 326–3360.

SUPPLEMENTARY INFORMATION: The Gas Valuation Regulations Review Working Panel is one of six working panels established by the Royalty Management Advisory Committee. The panels are composed of both Advisory Committee members and non-Committee members, and were established to provide the Advisory Committee with analyses of specific issues and proposed recommendations. Panel recommendations will be reviewed by the Advisory Committee, which will then decide what advice and recommendations to give the Department of the Interior (DOI) and the MMS. Although the panels may meet with DOI or MMS staff members to obtain information they require in conducting their analyses, advice and recommendations of the panels will be made to the Advisory Committee and not to the DOI or the MMS.

Dated: June 24, 1986.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 86-14556 Filed 6-26-86; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Apostle Islands National Lakeshore, Wisconsin, Prepare a General Management Plan

AGENCY: National Park Service (NPS), Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the National Park Service will prepare a general management plan for the Apostle Islands National Lakeshore. This plan will address management and development needs in the areas of visitor use for both the islands and mainland portions of the National Lakeshore, including both water-related and nonboating facilities. It will also address a variety of resource management-related topics including underwater cultural resources, shorelines stabilization, lands potentially suitable for wilderness designation, light stations, and other historic buildings. Alternatives will be prepared for public review in 1987.

Persons with particular concerns about management, development, or resource protection, and anyone wishing to be put on a mailing list to review documents prepared as part of this planning process, are invited to contact: Superintendent, Apostle Islands National Lakeshore, Route 1, Box 4, Bayfield, Wisconsin 54814.

Approved June 6, 1986.

Curtis H. Menefee,

For the Regional Solicitor, Rocky Mountain Region.

[FR Doc. 86-14578 Filed 6-26-86; 8:45 am]

BILLING CODE 4310-70-M

Jefferson National Expansion Memorial Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Jefferson National Expansion Memorial

Commission will be held July 28, 1986, at 9 a.m. The meeting will be held at the Old Courthouse, Jefferson National Expansion Memorial National Historic Site, 11 North Fourth Street, St. Louis, Missouri 63102.

The commission was originally established on August 24, 1984, pursuant to provisions of the Jefferson National Expansion Memorial Amendments Act of 1984, 98 Stat. 1469, 16 U.S.C. 450jj–6, to implement and support the conceptual plan.

Matters to be discussed at the July 28 meeting will include the review of the TDP St. Louis study, fundraising, design competition, public participation in the planning process, and an update of related planning issues.

The meeting will be open to the public. Interested persons may submit written statements to the offical listed below prior to the meeting. Further information concerning the meeting may be obtained from Alan M. Hutchings, Chief, Division of External Affairs, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402–221–3481 (FTS 864–3481). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated: June 19, 1986.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 86–14580 Filed 6–26–86; 8:45 am]

BILLING CODE 4310–70–M

Mining Plan of Operations; Death Valley National Monument

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Pfizer Inc. has filed a plan of operaitons in support of proposed mining on lands embracing its Big Talc/No. 5 Mine, aka Grantham Mine, within Death Valley National Monument. The plan is available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

The plan, received on August 23, 1985, was denied on September 19, 1985 because it did not meet the standards of 36 CFR Part 9, § 9.10(a). Pfizer, on October 22, 1985, appealed the denial resulting in the plan being remanded back to the Superintendent on February 24, 1986 for a new decision which will address the issues raised in the appeal and other environmental concerns. An environmental assessment is, therefore, being prepared with regard to issuing a new decision in the matter.

Dated: June 5, 1986.

Edwin L. Rothfuss,

Superintendent, Death Valley National Monument.

[FR Doc. 86–14579 Filed 6–26–86; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research Act of 1984—Portland Cement Association

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98–462 ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. Specifically, Lone Star-Falcon and Falcon Cement Company, Inc. joined PCA effective May 13, 1986. In addition, Baker-Dolomite (DBCA) became a "Participating Associate" effective May 5, 1986. Accordingly, at present the members of the PCA are:

Aetna Cement Corporation
Alaska Basic Industries
Ash Grove Cement Company
Ash Grove Cement West, Inc.
Blue Circle Atlantic
Blue Circle Inc.
CalMat Co.
Capitol Aggregates, Inc.
Dragon Products Company
Falcon Cement Company, Inc.
General Portland Inc.
Genstar Cement Company
Hawaiian Cement
Ideal Basic Industries, Cement Division
Canada Cement Lafarge Ltd.
Ciment Quebec, Inc.
Federal White Cement Ltd.
Genstar Cement Limited
Independent Cement Corporation
Lake Ontario Cement Limited
Lehigh Portland Cement Company
Lone Star-Falcon
Lone Star Industries, Inc.
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwestern States Portland Cement Co.
Rochester Portland Cement Corp.
St. Marys Peerless Cement Co.
St. Marys Wisconsin Cement Inc.
The South Dakota Cement Plant
Southwestern Portland Cement Co.
North Star Cement Limited
St. Lawrence Cement Inc.
St. Marys Cement Limited

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee:

Baker-Dolomite (DBCA)
C–E Raymond
Holderbank Consulting, Ltd.
Humboldt Wedag Company
Centennial Engineering, Inc.
Allis-Chalmers Corp.
F.L. Smidth and Company
Claudius Peters, Inc.
Polysius Corp.
The Fuller Company

The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The original notification, identifying the original parties to the venture and describing in general terms the area of planned activities of the venture, is published at 50 FR 5015 (1985).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86–14507 Filed 6–26–86; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

John W. Gaul, D.O.; Revocation of Registration

On May 2, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John W. Gaul, D.O., at his last known address, 660 South Federal Highway, Pompano Beach, Florida 33062. The Order to Show Cause sought to revoke DEA Certificate of Registration, AC0214471, previously issued to Dr. Gaul, and to deny any pending applications for renewal. The statutory bases for the Order to Show Cause were that Dr. Gaul is no longer authorized to handle controlled substances in the State of Florida, and that he had been convicted of two felony offenses relating to controlled substances.

The Order to Show Cause was sent registered mail, return receipt requested, to Dr. Gaul's last known address. The return receipt indicates that the Order to Show Cause was received and signed for on May 7, 1986. Dr. Gaul has not responded to the Order to Show Cause. Therefore, the Administrator finds that Dr. Gaul has waived his opportunity for a hearing on the issues raised in the Order to Show Cause, an enters this final order based on the record as it appears. 21 CFR 1301.54(d) and 1301.54(e).

The Administrator finds that on October 30, 1985, in the Circuit Court for the Seventeenth Judicial District of Florida, in and for Broward County, Dr. Gaul was convicted, after entering pleas of guilty, on two counts of bad faith delivery of a Schedule IV controlled substance, in violation of F.S. 893.13(1)(a)(2), both felony offenses relating to controlled substances. The convictions resulted from an investigation and undercover operation conducted by the Broward County Sheriff's Department. During the investigation, an undercover policewoman visited Dr. Gaul's office on three occasions between March 30, 1984 and April 25, 1984. On each occasion, the officer clearly indicated to Dr. Gaul that she has no medical problems, but that she wanted some prescriptions for controlled substances to make her "feel good." During the first visit, Dr. Gaul wrote the officer a prescription for Librium, the trade name for chlordiazepoxide, a Schedule IV controlled substance. On the second visit, Dr. Gaul wrote the officer a prescription for Tranxene, the trade name for chlorazepate dipotassium, a Schedule IV controlled substance, after she requested a drug stronger than the Librium prescribed earlier. During this visit, the officer also informed Dr. Gaul that she has only taken a few of the Librium and had given the rest of the tablets away to a friend. On the third visit, the officer informed Dr. Gaul that she has again given some of the drugs away to a friend, and asked him to write a prescription for the friend, in addition to writing another prescription for herself. Dr. Gaul informed the officer that, although he could not write a prescription for her friend, he would write a larger, refillable prescription for Tranxene for her, and she could give some of the pills to her friend. Dr. Gaul was arrested subsequent to the officer's third visit and was charged with three counts of bad faith delivery of a Schedule IV controlled substance, and one count of attempted destruction of evidence, after he attempted to destroy the officer's patient file during the arrest.

Based on Dr. Gaul's conviction of two counts of bad faith delivery of controlled substances, both felony offenses relating to controlled substances, there is a lawful basis for the revocation of his DEA Certificate of Registration. 21 U.S.C. 824(2).

The Administrator also finds that on January 3, 1986, the Florida Board of Osteopathic Examiners revoked Dr. Gaul's license to practice medicine in the State of Florida. In its order, the Board stated that:

> [T]he record is replete with the numerous instances of Respondent's inappropriate prescribing practices and malpractice; [and] the record demonstrates [a] pattern of poor judgment on the part of Respondent and indicates poor practice of osteopathic medicine.

Since Dr. Gaul is no longer licensed to practice medicine in the State of Florida, he is also without the authority to prescribe, dispense, administer, or otherwise handle controlled substances in that state.

The Administrator has consistently held that when a DEA registrant is no longer authorized to handle controlled substances in the state in which he operates, DEA is without lawful authority to maintain his registration. See *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Kenneth Birchard, M.D.*, 48 FR 33778 (1983); and *Thomas E. Woodson, D.O.*, Docket No. 81–4, 47 FR 1353 (1982). Therefore, since Dr. Gaul is no longer authorized to handle controlled substances in Florida, the Administrator cannot maintain his registration in that state.

Having concluded that lawful bases exist for revoking Dr. Gaul's DEA Certificate of Registration, and for denying any pending applications for renewal, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders that DEA Certificate of Registration, AG0214471, previously issued to John W. Gaul, D.O., be, and it hereby is revoked. It is further ordered that any pending applications for renewal executed by John W. Gaul, D.O. be, and they hereby are denied.

This order is effective June 27, 1986.

Dated: June 23, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–14561 Filed 6–26–86; 8:45 am]

BILLING CODE 4410–09–M

Fred A. Henson, D.O.; Revocation of Registration

On November 1, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Fred A. Henson, D.O., P.O. Box 99, Hiram, Georgia 30141. The Order to Show Cause sought to revoke DEA Certificate of Registration, AH1172826, previously issued to Dr. Henson, and deny and pending applications for renewal. The statutory predicate for the Order to Show Cause was that Dr. Henson was convicted of conspiring to unlawfully distribute and dispense a controlled substance, in violation of 21 U.S.C. 841(a)(1) and 846, and unlawfully distributing and dispensing a controlled substance, in violation of 21 U.S.C. 841(a)(1).

The Order to Show Cause was sent registered mail, return receipt requested, to the address Dr. Henson used for his registration. A copy of the Order to Show Cause was also sent registered mail, return receipt requested, to Dr. Henson's attorney. The Order to Show Cause sent to Dr. Henson's address was returned undelivered. The copy sent to Dr. Henson's attorney was received and signed for on November 6, 1985. Neither Dr. Henson, nor his attorney, has responded to the Order to Show Cause. Therefore, the Administrator finds that Dr. Henson has waived his opportunity for a hearing on the issues raised by the Order to Show Cause, and enters this final order based on the record as it appears. 21 CFR 1301.54(d) and 1301.54(e).

The Administrator finds that on March 22, 1985, in the United States District Court for the Northern District of Georgia, Dr. Henson was convicted after entering pleas of guilty to conspiracy to unlawfully distribute and dispense quantities of Didrex, a Schedule III controlled sustances, in violation of 21 U.S.C. 841(a)(1), 21 CFR 1306.04, and 21 U.S.C. 846; and to unlawful distribution and dispensing of quantities of controlled substances by means of written orders purporting to be prescriptions and aiding and abetting in the same, in violation of 21 U.S.C. 841(a)(1), 21 CFR 1306.04 and 18 U.S.C. 2. The convictions resulted from an investigation which revealed that Dr. Henson was writing large quantities of prescriptions for controlled substances, specifically benzphetamine hydrochloride, a Schedule III controlled substance, clearly outside the course of professional practice. Dr. Henson wrote prescriptions for controlled substances for individuals for extended lengths of time which were beyond the manufacturer's recommended time periods for usage. In addition, Dr. Henson received payments for the written prescriptions rather than for professional services rendered. Overall, Dr. Henson was prescribing large quantities of controlled substances for no legitimate medical purpose and outside the course of professional practice.

The Administrator has consistently held that a felony conviction relating to controlled substances is a sufficient ground for the revocation of a

registrant's DEA Certificate of Registration. See *Walker L. Whaley, MD.*, Docket No. 85–12, 51 FR 15556 (1986); *Coleman Preston McCown, D.D.S.*, Docket No. 82–28, 49 FR 45818 (1984). Based on Dr. Henson's felony convictions relating to controlled substances, the Administrator finds that a lawful basis exists for the revocation of Dr. Henson's registration, and for the denial of any pending applications for renewal.

The Administrator further finds that on February 7, 1985, the Composite State Board of Medical Examiners for the State of Georgia accepted the voluntary surrender of Dr. Henson's state medical license. Thus, as of February 7, 1985, Dr. Henson was no longer authorized to practice medicine in the State of Georgia, and consequently, was no longer authorized to handle controlled substances in that state.

The Administrator has consistently held that when a DEA registrant is not authorized to handle controlled substances in the state in which he operates, DEA is without lawful authority to maintain his registration. See *Diodo Leduc, d/b/a Farmacia Leduc*, Docket No. 85–5, 51 FR 12751 (1986); *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Kenneth Birchard, M.D.*, 48 FR 33778 (1983); and *Thomas E. Woodson, D.O.*, Docket No. 81–4, 47 FR 1353 (1982). Therefore, since Dr. Henson is no longer authorized to handle controlled substances in the State of Georgia, the Administrator must revoke his current registration, and any pending applications for renewal.

Having concluded that there is a lawful basis for the revocation of Dr. Henson's Certificate of Registration, and for the denial of any pending applications for renewal, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AH1172826, previously issued to Fred A. Henson, D.O., be, and hereby is revoked. It is further ordered that any pending applications for renewal be, and hereby are denied.

This order is effective July 28, 1986.

Dated: June 23, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–14562 Filed 6–26–86; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 85–57]

Dale D. Shahan, D.D.S.; Revocation of Registration

On November 5, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, (DEA) directed an Order to Show Cause to Dale D. Shahan, D.D.S. (Respondent), 1439 West Lunt, Chicago, Illinois 60026. The Order to Show Cause sought to revoke DEA Certificates of Registration AS3727750 and AS5111149 previously issued to Respondent. The statutory ground under 21 U.S.C. 824(a)(3) was a consent decree entered into by Respondent and the Department of Registration and Education of the State of Illinois on January 14, 1985, indefinitely suspending Respondent's license to practice dentistry and to handle controlled substances. This consent decree terminated Respondent's authority to possess, prescribe, dispense and otherwise handle controlled substances in the State of Illinois.

Respondent, proceeding *pro se*, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. The Administrative Law Judge provided the Government an opportunity to file a motion for summary disposition, which the Government filed. The Administrative Law Judge also provided Respondent an opportunity to respond to the motion for summary disposition, to which Respondent filed a response. Judge Young considered the motion for summary disposition and the response thereto, and on April 25, 1986, issued his opinion and recommended ruling, findings of fact and conclusions of law in this matter. No hearing was held, since no factual issues were involved, only a question of law. Neither side filed exceptions to the recommended ruling of the Administrative Law Judge. The Administrator hereby adopts the findings of fact and conclusions of law of the Administrative Law Judge and enters his final order in this matter.

The Administrative Law Judge found that, based on a consent order, the Illinois Department of Registration and Education suspended indefinitely Respondent's licenses to practice dentistry and to perform oral surgery. Therefore, Respondent is without authority to practice dentistry or handle controlled substances in Illinois, the state in which he is registered. Judge Young found, and the Administrator so finds, that DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances. The Administrator and his predecessors have consistently so held. See *Emerson Emory, M.D.*, Docket No. 85–46, 51 FR 9543 (1986); *Michael Alva Marshall*, Docket No. 85–16, 51 FR 8046 (1986); *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Dennis Howard Harris, M.D.*, Docket No. 84–19, 49 FR 39930 (1984) and cases cited therein.

The Administrative Law Judge also found that the motion for summary disposition was properly entertained and must be granted. When no fact question is involved, or when the facts are agreed, there is no obligation for an agency to convene a plenary, adversarial administrative proceeding, even though the pertinent statute prescribes a hearing. Congress does not intend administrative agencies to perform meaningless tasks. *United States v. Consolidated Mines and Smelting Co., Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers*, 549 F.2d 634 (9th Cir. 1977). The Administrators and his predecessors have consistently followed this rule. See *Philip E. Kirk, M.D.*, Docket No. 82–36, 48 FR 32887 (1983), affirmed *sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); *Alfred Tennyson Smurthwaite*, Docket No. 77–29, 43 FR 11873 (1978).

The response filed by Dr. Shahan contains nothing that would militate against the revocation of these registrations due to lack of state authorization. Respondent complained about the consent order and the circumstances of its entry. Such matters should be taken up in the tribunals and the courts of the State of Illinois, not the Drug Enforcement Administration.

Having considered the record in this matter, the Administrator concudes that DEA Certificates of Registration AS3727750 and AS5111149 previously issued to Dale D. Shahan, D.D.S. should be revoked. Accordingly, under the authority given the Attorney General under 21 U.S.C. 823 and 824 and delegated to the Administrator under 21 U.S.C. 871 and 28 CFR 0.100 *et seq*, the Administrator hereby revokes Certificates of Registration AS3727750 and AS5111149, and denies any pending applications for registration, said revocation and denial effective immediately.

Dated: June 20, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-14563 Filed 6-26-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

VOLUME I

NEW YORK:
NY86-17 (Jan. 3, 1986)..... pp. 776-778.

VOLUME II

KANSAS:
KS86-6 (Jan. 3, 1986)..... p. 327.
KS86-8 (Jan. 3, 1986)..... p. 335.
TEXAS:
TX86-5 (Jan. 3, 1986)..... p. 654.

VOLUME III

None.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783-3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is $277 per volume. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 20th day of June 1986.

James L. Valin,

Assistant Administrator.

[FR Doc. 86-14360 Filed 6-26-86; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

Indiana State Standards; Approval

1. Background.

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of

the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of a Federal standards as State standards after public hearing. By letters dated November 13, 1985 and November 25, 1985, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State standards amendments comparable to the Federal standards: 29 CFR 1910.401, Commercial Diving, and 1910.1047, Ethylene Oxide as published in the **Federal Register**, of January 9, 1985 (50 FR 1046) and January 2, 1985 (50 FR 64). These standards amendments which are contained in the Administrative Code were promulgated after public comment was requested on September 3, 1985, by a notice published in a newspaper of general circulation within the State. A public hearing was held on September 27, 1985, at which time the Attorney General approved its legality on November 4, 1985, and November 15, 1985. The Governor approved them on November 12, 1985 and November 18, 1985; they were filed with the Secretary of State on November 13, 1985 and November 19, 1985; and were registered with the Legislative Council on November 13, 1985 and November 19, 1985, pursuant to the Indiana Administrative Adjudication Act.

2. Decision.

Having reviewed these State submissions in comparison with the Federal standards, it has been determined that these State standards amendments are identical to Federal standards and accordingly should be approved.

3. Location of supplement for inspection and copying.

A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal and State Operations, Room N3416, 200 Constitution Ave., NW., Washington, DC 20210.

4. Public participation.

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. These standards amendments are identical to the Federal standards and were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards amendments were adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective May 2, 1986.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois, on this 2nd day of May, 1986.

Frank L. Strasheim,

Regional Administrator.

[FR Doc. 86-14613 Filed 6-26-86; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 86-43]

NASA Advisory Council, Space Systems and Technology Advisory Committee (SSTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Task Force on Automation and Robotics.

Date and time: July 15, 1986, 9 a.m. to 4:00 p.m.

ADDRESS: Lockheed Missile & Space Company, 1111 Lockheed Way, Building 102, Room 5001, Sunnyvale, CA 94088.

FOR FURTHER INFORMATION CONTACT: Dr. Melvin Montemerlo, Code R, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2743).

SUPPLEMENTARY INFORMATION: The Space Systems and Technology Advisory Committee (SSTAC) was established to provide advice and counsel on technology activities in the Office of Aeronautics and Space Technology (OAST). The Informal Task Force on Automation and Robotics, chaired by Dr. Stanley Weiss, is comprised of seven members and was formed to provide a review of OAST's automation and robotics program.

The purpose of the meeting is to prepare a final report of their findings and recommendations. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Task Force members and other participants).

Type of Meeting: Open.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

June 18, 1986.

[FR Doc. 86-14518 Filed 6-26-86; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION DIRECTORATE FOR ENGINEERING

Division of Mechanics, Structures and Materials Engineering Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Committee for the Division of Mechanics, Structures and Materials Engineering.

Date & Time: July 14, 1986 8:30 a.m. to 5:00 p.m. July 15, 1986 8:30 a.m. to 3:00 p.m.

Type of Meeting: Open.

Contact Person: Ms. Hope Duckett, National Science Foundation Room 1110, Washington, DC 20550 Telephone (202) 357-9542.

Summary Minutes: May be obtained from the Contact Person.

Agenda:

Monday, July 14, 1986

8:30-8:45 a.m.—Introductions and Welcoming Remarks

8:45-9:45 a.m.—Reports of Activities by Advisory Committee Members

9:45-10:30 a.m.—Reports and Discussion of Actions Items from the February 6-7, 1986 Meeting by NSF Staff and Advisory Committee Members

10:30-Noon—Activities of the Engineering Directorate and the Division

Noon-1:30 p.m.—Lunch

1:30-5:00 p.m.—Discussion of Division Plans and Programs

Tuesday, July 15, 1986

8:30-10:30 a.m.—Objectives of the Division and the Advisory Committee for FY 1987

10:30-Noon—Development of Tasks and Assignments for FY 1987

Noon 1:30 p.m.—Lunch

1:30–3:00 p.m.—Prepare Summaries of Action Items and Recommendations to Assistant Director
3:00—Adjourn

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86–14558 Filed 6–26–86; 8:45 am]

BILLING CODE 7555-01-M

NSF Advisory Committee on Merit Review; Open Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: NSF Advisory Committee on Merit Review.

Date and Time: Monday July 14, 1986—9:00 am thru 4:00 pm.

Place: American Association for the Advancement of Science 1333 H St., NW., 10th Floor, Washington, DC 20005.

Type of Meeting—Open.

Contact Person: Dr. Carlos Kruytbosch, Head, Science Indicators Unit, National Science Foundation, Washington, DC 20550 Phone: (202) 634–4682. Anyone planning to attend this meeting should notify Dr. Kruytbosch by July 10, 1986.

Summary Minutes: Dr. Carlos Kruytbosch, National Science Foundation, 1800 G Street, NW., Room L–611, Washington, DC 20550

Purpose of Committee: To evaluate merit review as practiced by NSF and other agencies, and provide advice and recommendations concerning alternative modes and processes of merit review and project selection.

Summarized Agenda: Consideration of draft final report.

Dated: June 24, 1986.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86–14559 Filed 6–26–86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369 and 50–370]

Duke Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–9 and NPR–17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The amendments would revise the Technical Specifications (TS) to reflect the third of several refueling stages involved in the continuing transition to the use of optimized fuel assemblies in McGuire Unit 1. The TS changes would provide for plant operation consistent with the design and safety evaluation conclusions in the licensee's McGuire Unit 1 Cycle 4 Reload Safety Evaluation (RSE) accompanying the licensee's amendment request of May 15, 1986.

TS Figure 3.2–1, "Axial Flux Difference Limits as a Function of Rated Thermal Power" would be revised for McGuire Unit 1 to be based upon a hot channel peaking factor (F_Q) limit of 2.26, rather than 2.15. The revised figure would be designated Figure 3.2–1a and would be indicated to apply to Unit 1 only. The existing TS Figure 3.2–1 would be retained for Unit 2 only and would be redesignated Figure 3.2–1b.

TS Figure 3.1–0 "Moderator Temperature Coefficient Vs. Power Level," would be revised for Units 1 and 2 to provide a more positive moderator temperature coefficient and an expanded region of acceptable operation. The region of acceptable operation in the existing TS Figure 3.1–0 is based upon moderator temperature coefficients not to exceed $+0.5\times10^{-4}$ delta K/K/degrees Fahrenheit for power levels up to 70 percent of rated thermal power; the region of acceptable operation for the proposed new TS Figure 3.1–0 would be based upon moderator temperature coefficients not to exceed $+0.7\times10^{-4}$ delta K/K/degrees Fahrenheit for power levels up to 70 percent of rated thermal power, and extended thereafter (from 70 percent to 100 percent of rated thermal power) to decrease linearly to a coefficient of zero.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

On April 20, 1984, the Commission issued Amendment No. 32 to Facility Operating License NPF–9 to change the Technical Specifications to permit changes in operating limits related to the transition to the use of optimized fuel assemblies in McGuire Unit 1. Accordingly, after its first refueling for Cycle 2, Unit 1 operated with the first stage of a transition core consisting of approximately ⅓ Westinghouse 17×17 Optimized Fuel Assemblies (OFA's) and ⅔ Westinghouse 17×17 low-parasitic fuel assemblies (STDs). On May 15, 1985, the Commission issued Amendment No. 43 to the Unit 1 operating license to change the technical specifications for Cycle 3. After its second refueling for Cycle 3, Unit 1 operated with approximately another ⅓ of the original total STDs replaced with OFAs. During its third refueling for Cycle 4, 64 additional STDs (those comprising Region 6 of the core) will be replaced by OFAs, leaving the 9 STDs of Core Region 1 for future transitions. The transition is planned to continue until an all OFA fueled core is achieved.

The major differences between STDs and OFAs are the use of Zircaloy grids for the OFAs versus Inconel grids for STDs and a reduction in fuel rod diameter. The OFA fuel had similar design features compared to the STD fuel, which has has substantial operating experience in a number of nuclear plants. Major advantages for utilizing the OFAs are: (1) Increased efficiency of the core by reducing the amount of parasitic material and (2) reduced fuel cycle costs due to an optimization of water to uranium ratio.

The McGuire Unit 1/Cycle 4 RES describes all of the accidents comprising the licensing bases which could potentially be affected by the fuel reload for the Unit 1/Cycle 4 design. The results of the analyses conclude that:

a. The Westinghouse OFA reload fuel assemblies for McGuire 1 and 2 are mechanically compatible with the STD design, control rods, and reactor internals interfaces. Both fuel assemblies satisfy the current design bases for the McGuire units.

b. Changes in the nuclear characteristics due to the transition from STD to OFA fuel will be within the range normally seen from cycle to cycle due to fuel management effects.

c. The reload OFAs are hydraulically compatible with the current STD design.

d. The accident analyses for the OFA transition core were shown to provide acceptable results by meeting the applicable criteria, such as, minimum DNBR, peak pressure, and peak clad temperature, as required. The previously reviewed and licensed safety limits are met.

e. Plant operating limitations given in the Technical Specifications will be satisfied with the proposed changes.

From these evaluations, it is concluded that the Unit 1/Cycle 4 design does not cause the previously acceptable safety limits to be exceeded.

Control of axial flux distribution in the Unit 1/Cycle 4 core will be based on the methodology and application of Relaxed Axial Offset Control (RAOC). (ROAC is a method of utilizing available margin by expanding the allowable band for axial flux difference (AFD), particularly at reduced power, in order to enhance operational flexibility during non-steady state operation. RAOC also provides a method of assuring plant operation below the F_Q limit based upon a measured parameter, neutron flux). The proposed amendments would revise existing TS Figure 3.2–1, for McGuire Unit 1 only, to be based upon the F_Q limit of 2.26. By previous Amendment 43 for Unit 1/Cycle 3, the Commission approved the change in F_Q from 2.15 to 2.26 for McGuire Unit 1, however the licensee opted to defer the associated changes with respect to TS Figure 3.2–1, until Cycle 4. The licensee's analyses for Unit 1/Cycle 4, submitted May 15, 1986, are consistent with the proposed revised Figure 3.2–1a based on an F_Q of 2.26. By letter dated May 23, 1986, the licensee submitted the associated Peaking Factor Limit Report for McGuire Unit 1/Cycle 4 associated with proposed Figure 3.2–1a. The results of the McGuire Unit 1/Cycle 4 RSE are indicated above to be acceptable.

To assess the effect of operation of McGuire Units 1 and 2 with the proposed positive moderator temperature coefficient, the licensee's letter of May 15, 1986, included safety analyses of all transients sensitive to a minimum or positive moderator temperature coefficient. These transients included control rod assembly withdrawal from subcritical conditions, control rod assembly withdrawl at power, loss of reactor coolant flow, locked rotor, turbine trip, loss of normal feedwater, rupture of a main feedwater pipe, control rod ejection, and RCS depressurization. The study indicated that the proposed moderator temperature coefficient would not result in the violation of any safety limits. The results of the Commission's preliminary review of the licensee's analyses support this conclusion by the licensee.

The Commission proposes to determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided examples of amendments likely to involve no significant hazards considerations (51 FR 7744). One example of this type is (vi), "A change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where results of the change are clearly within all acceptable criteria with respect to the system or component specified in the standard review plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method". The evaluations previously discussed show that all of the accidents comprising the licensing bases which could potentially be affected by the fuel reload were reviewed for the Unit 1/Cycle 4 design. These evaluations conclude that the reload design does not cause the previously acceptable safety limits, as specified in the Standard Review Plan, to be exceeded; therefore, the above example can be applied to this situation. Accordingly, the Commission proposes to determine that these changes for the Unit 1/Cycle 4 reload, including the changes in axial flux difference and moderator temperature coefficient, and the change for Unit 2 regarding moderator temperature coefficient, do not involve a significant hazards consideration.

Another example of actions not likely to involve a significant hazards consideration, example (i), relates to a purely administrative change to technical specifications to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The Commission proposes to find that changes to Unit 2 specifications which do not change the content of the TS for Unit 2, but which appropriately preserve or eliminate the distinctions between units within the common document, are administrative and involve no significnt hazards consideration. The redesignation of TS Figure 3.2–1 as Figure 3.2–1b for Unit 2 only, matches this example.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and should cite the publication date and page number of the **Federal Register** notice. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC.

By July 28, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceeding" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.741, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to

which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitation in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination of the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following messaged addressed to B.J. Youngblood: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington DC, and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this 24th day of June 1986.

For The Nuclear Regulatory Commission.

B.J. Youngblood,

Director, PWR Project Directorate No. 4, Division of PWR Licensing—A, NRR.

[FR Doc. 86–14606 Filed 6–26–86; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., Kewaunee Nuclear Power Plant; Exemption

I.

Wisconsin Public Service Corporation (the licensee) is the holder of Facility Operating License No. DPR–43 which authorizes the operation of the Kewaunee Nuclear Power Plant (the facility) at steady-state power levels not in excess of 1650 megawatts thermal. This license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility is a pressurized water reactor (PWR) located in Kewaunee County, Wisconsin.

II.

10 CFR 50.48, "Fire Protection," and Appendix R to 10 CFR Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," set forth certain specific fire protection features required to satisfy the General Design Criterion related to fire protection (Criterion 3, Appendix A to 10 CFR Part 50).

Section III.G of Appendix R requires fire protection of safe shutdown capability for structures, systems, and components important to safe shutdown.

III.

Specifically, Subsection III.G.2 requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by stated means.

By letter dated May 15, 1985 the licensee requested an exemption involving a single issue, namely cable combustibility.

The licensee requested an exemption from the technical requirements of Section III.G.2.d. to the extent that it requires redundant shutdown-related systems in a non-inerted containment to be separated by more than 20 feet that are free of intervening combustibles and fire hazards.

The electrical penetrations for Train A (dedicated shutdown) and Train B (alternate shutdown) enter the containment at the 616-foot elevation. In general, redundant shutdown cables and components are separated by more than 20 feet horizontally. Where less than 20 feet of horizontal separation exist, the licensee has committed to meet the requirements of Section III.G by completely separating redundant shutdown-related systems by a radiant

energy shield. Where more than 20 feet of spatial separation exist, the intervening space between shutdown cables and components may contain cables with combustible insulation. Other combustibles inside containment include the wood reactor vessel O-ring storage container and lube oil for the reactor coolant pumps (RCP).

The wooden O-ring container is located more than 50 feet from the nearest electrical penetration. The wood materials have ignition temperatures above 378°F and it is impossible to attain these temperatures in containment and such a fire would not involve both the dedicated and alternate shutdown system cables within containment. Based on the above, the wooden container can be eliminated from further consideration.

The RCP Lube Oil has a flash point of 400°F and an ignition point to fire of 500°F. The lube oil collection system is seismically qualified. Any leakage would be collected and drained to a closed tank far removed from the safe shutdown systems. Assuming a lube oil fire and the effects of the fire, hot gasses and smoke, it would be widely separated vertically from the alternate and dedicated shutdown systems and such a fire would be inside the RCP vaults which are constructed of 3-foot thick concrete walls equivalent to a greater than 3-hour fire barrier; the rule requires only a 3-hour barrier. Based on the above seismically qualified collection system, type of oil (high flash and ignition points), vertical separation and 3-foot vault walls, a lube oil fire can be eliminated from further consideration as a credible fire hazard.

Existing fire protection includes a fire detection system at the penetration area and manual fire fighting equipment.

The licensee justified the exemption on the basis that a fire at the wood storage container would not affect systems for redundant shutdown trains. In addition, the RCP lube oil was eliminated as a credible fire hazard. Also, the cables are IEEE 383 qualified and of limited quantity and, therefore, would not produce a fire which would represent a threat to redundant systems. Based on our evaluation above, we conclude that the licensee's analysis is acceptable.

It is the staff's judgement that, under these conditions, a fire would, at most, cause damage to systems from one shutdown division, but would not be able to propagate horizontally and damage the redundant division before self extinguishing or being suppressed by the plant fire brigade.

The May 15 letter also provided information relevant to the "special circumstances" finding required by revised 10 CFR 50.12(a) (see 50 FR 50764). The licensee stated that ". . . the cost of compliance in this case is not commensurate with the improved margin of safety. Compliance would require the addition of 'radiant energy heat shields.' The costs of the materials and installation associated with these heat shields is estimated to be in excess of one million dollars. A further incalculable cost would be incurred as a result of having to maintain the walls and the increased time that will be required to perform maintenance on equipment in their vicinity." In addition, the licensee stated that a level of safety equivalent to that of section III.G.2 will prevail if we grant the exemption. The staff concludes that "special circumstances" exist for the licensee's requested exemption in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50. See 10 CFR 50.12(a)(2)(ii).

Based on the above evaluation, the staff concludes that the existing fire protection with the proposed modifications provides an equivalent level of safety to that achieved by compliance with section III.G. Therefore, the licensee's request for exemption in Containment is granted.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, as discussed in section III, the exemption is authorized by law, will not present an undue risk to public health and safety, is consistent with the common defense and security and is justified by special circumstances. Therefore, the Commission grants exemption from the requirements of section III.G of Appendix R to 10 CFR Part 50 to the extent discussed in section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (51 FR 8722, March 13, 1986).

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 19th day of June 1986.

For the Nuclear Regulatory Commission

Thomas M. Novak,

Acting Director, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

[FR Doc. 86-14605 Filed 6-26-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-15323]

Application and Opportunity for Hearing; Union Tank Car Co.

Notice is hereby given that the Union Tank Car Company ("the Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (herein after sometimes referred to as the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Continental Illinois National Bank and Trust Company of Chicago (the "Bank") under indentures dated as of June 1, 1967 (the "Series 2 Indenture") and December 1, 1977 (the "Series 15 Indenture") between the Company and the Bank which were heretofore qualified under the Act and a new indenture (the "Series P-5 Indenture") which will not be qualified under the Act, is not so likely to cause a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the aforementioned indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in that section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee serves as trustee under another indenture of the same obligor.

The Company alleges:

(1) Pursuant to the Series 2 and Series 15 Indentures, the Company has an aggregate outstanding principal amount of $2,000,000 and $24,815,000 respectively. Each of the debt securities was registered under the Securities Act of 1933 (the "1933 Act") and was also qualified under the Act.

(2) The Company offered and sold through a private placement which commenced on May 15, 1986 and closed on June 13, 1986 an issue of $40,656,000 equipment trust certificates pursuant to its Series P-5 Indenture which was not qualified under the Act.

(3) The Company is not in default under the Series 2, Series 15 Indentures or the Series P-5 Indenture. The Company's obligations under the Series 2 and Series 15 Indentures are each secured by a separate lot of identified

railroad cars, as are the obligations under the Series P–5 Agreement, so that, should the Bank have the occasion to proceed against the security of any one of these indentures, such action would not affect the security, or the use of any security, under the other Indentures.

(4) The provisions of the Series 2, the Series 15, and the Series P–5 Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under said Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter. For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, File No. 22–15323, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than July 17, 1986, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. At any time after such date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

[FR Doc. 14534 Filed 6–26–86; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

National Advisory Council Executive Committee Meeting; District of Columbia

The U.S. Small Business Administration, Office of Advisory Councils, located in the geographical area of Washington, DC, will hold its semiannual National Advisory Council Executive Committee meeting, 8:30 a.m. to 3:00 p.m., Tuesday, July 15, 1986, at the Small Business Administration, 1441 L Street, NW., Washington, DC, Administrator's Conference Room—10th floor, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Jean M. Nowak, Director, U.S. Small Business Administration, Office of Advisory Councils, Room 920–D, 1441 L Street, NW., Washington, DC 20416 (202) 653–6748.

Dated: June 20, 1986.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 86–14573 Filed 6–26–86; 8:45 am]

BILLING CODE 8025–01–M

Region I Advisory Council Meeting Public Meeting; New Hampshire

The U.S. Small Business Administration, Region I, located in the geographical area of Concord, New Hampshire, will hold a public meeting at 10:00 a.m., Tuesday, July 15, 1986, in the Concord Savings Bank Board Room, Concord Savings Bank, 41 N. Main and Warren Street, Concord, New Hampshire, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call William Phillips, District Director, U.S. Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301, (603) 225–1400.

Dated: June 20, 1986.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 86–14574 Filed 6–26–86; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council Meeting Public Meeting; Texas

The U.S. Small Business Administration, Region VI, located in the geographical area of Lubbock, Texas, will hold a public meeting on Tuesday, July 15, 1986, from 11:30 a.m. to 1:30 p.m. in the Alden Room of Pricilla's Catering, 10th Street and Avenue Q, Lubbock, Texas, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Walter Fronstin, District Director, U.S. Small Business Administration, 1611 10th Street, Suite 200, Lubbock, Texas, 79401 (806) 743–7462.

Dated: June 20, 1986.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 86–14575 Filed 6–26–86; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 01/01–0339]

Chestnut Street Partners, Inc.; Application for a Small Business Investment Company License

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, *et seq.*) has been filed by Chestnut Street Partners, Inc., (Applicant), 45 Milk Street, Boston, Massachusetts 02109, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1986).

The officers, directors and sole shareholder of the Applicant are as follows:

Name and Title

David D. Croll, President, Director, General Manager, Sole Shareholder, 25 Chestnut Street, Boston, MA 02108.

Victoria Croll, Director, 25 Chestnut Street, Boston, MA 02108.

Marie T. Dixon, Treasurer, Clerk, 9 Grace Road, Medford, MA 02155.

Arnold M. Zaff, Assistant Clerk, Director, Exchange Place, Boston, MA 02109.

The Applicant, Massachusetts Corporation will begin operations with $2,500,000 paid in capital and paid in surplus. The Applicant will conduct its activities primarily in the six New England states but will consider investments in business in other areas in the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication

should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" St., NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 19, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-14576 Filed 6-26-86; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procedure for Certification of Origin of U.S. Thrown Silk

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The following letter and documents confirm the existing procedure for the certification of origin of U.S. thrown silk. Only such certification will be accepted upon importation into Japan.

EFFECTIVE DATE: Upon publication (confirming existing procedure).

FOR FURTHER INFORMATION CONTACT: Hiram Lawrence, Office of the United States Trade Representative (202) 395-5114, 600 17th Street, Washington, DC 20506.

C. Michael Hathaway,

Senior Deputy General Counsel.

June 20, 1986.

The Honorable Kazuo Takase,
Deputy Director General, Consumer Goods Industry Bureau, Ministry of International Trade and Industry, Government of Japan.

Dear Mr. Takase: This is to confirm the procedure to certify origin of U.S. thrown silk.

In 1981, an administrative mechanism was established for certifying U.S. origin of thrown silk. The American Silk Council established an export visa system for shipments of thrown silk to Japan. It is administered by an independent party (currently Benjamin Nadel & Company—an auditing firm) and is open to all parties who can demonstrate that the silk they wish to export to Japan has been wholly processed in U.S. throwing mills. There is a nominal visa application fee to cover administrative costs (currently $25). All documents submitted by a visa applicant are kept confidential and are not shown to members of the American Silk Council.

The U.S. Government recognizes the American Silk Counsil visa system, as described above, as the only mechanism by which a valid export visa certifying U.S. origin can be obtained. A copy of the visa stamp is attached together with a list of the names and signatures of all persons authorized to sign on behalf of the Council.

This letter will be published in the **Federal Register.** It is my expectation that your government will ensure that exports of U.S thrown silk with proper visas will be permitted entry into Japan promptly. It is further my expectation that only shipments claiming to be of U.S. origin accompanied by valid export visas from the American Silk Council will be permitted entry into Japan.

Please accept the assurance of my highest consideration.

Sincerely yours,

Michael B. Smith

May 21, 1986.

Mr. Charles Carlisle,
Office of Special Trade Representative, 600 17th Street, NW., Washington, DC 20506.

Dear Mr. Carlisle: Affixed below is a copy of the visa stamp which when affixed to an invoice, completed and signed by an authorized representative signifies that based on documentation furnished by the applicant the throwing process for the silk identified in the invoice occurred in the United States.

Visa for U.S. Manufactured Thrown Silk Yarn

No. _____
Date issued _____
Invoice No. _____
Quantity _____
No. of units _____
Carton Nos. _____

THIS IS TO CERTIFY THAT THIS SILK YARN WAS THROWN IN THE UNITED STATES OF AMERICA. AMERICAN SILK COUNCIL, INC.
(CORPORATE SEAL)

_____
Authorized Signature

Yours very truly,

W. Robert Kobelt,

President.

May 21, 1986.

Mr. Charles Carlisle,
Office of Special Trade Representative, 600 17th Street, NW., Washington, DC 20506.

Dear Mr. Carlisle: The following individuals who are partners in the firm of Benjamin Nadel & Compnay are authorized to sign visa stamps on behalf of the American Silk Council, Inc. to signify that based on documentation furnished by the applicant the throwing process for silk occurred in the United States:

Norman Nadel

Norman Alpert

Yours very truly,

W. Robert Kobelt,

President.

[FR Doc. 86-14520 Filed 6-26-86; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. 44116; Order 86-6-36]

Cargolux Airlines International, S.A.; Order to Show Cause

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause: Order 86-6-36; Docket 44116.

SUMMARY: DOT proposes to deny the following application:

Applicant: Cargolux Airlines International, S.A.

Application Date: October 28, 1985; Docket 44116.

Authority Sought

To register as an air freight forwarder under 14 CFR Part 297 to conduct U.S. forwarding operations in foreign, overseas, and interstate air transportation

Objections

All interested persons having objections to DOT's tentative findings and conclusions that this registration should be denied, as described in the order cited above, shall, NO LATER THAN July 18, 1986, file a statement of such objections with DOT (original and 12 copies) and mail copies to the applicant, The Flying Tiger Line Inc., the Department of State, and the Ambassador of Luxembourg in Washington, D.C. A statement of objections must cite the docket number and include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, an order will issue which will, subject to disapproval by the President, make final DOT's tentative findings and conclusions and deny the registration.

ADDRESS: Address for objections: Docket 44116, Docket Section, C-55, Room 4107, Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Allen Brown, Licensing Division, P-45, Office of Aviation Operations, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590; (202) 755-3805.

Dated: June 24, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86-14598 Filed 6-26-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Emergency Evacuation Slides, Ramps, and Slides/Raft Combinations

AGENCY: Federal Aviation Administration (FAA), DOT
ACTION: Notice of availability of proposed technical standard order (TSO) and request for comment.

SUMMARY: The proposed TSO–C69b prescribes the minimum performance standard that emergency evacuation slides, ramps, and slide/raft combinations must meet in order to be identified with the marking "TSO–69b.".

DATE: Comments must identify the TSO file number and be received on or before October 17, 1986.

ADDRESS: Send all comments on the proposed Technical Standard Order to:

Federal Aviation Administration, Policy and Procedures Branch, AWS–110, Aircraft Engineering Division, Office of Airworthiness, File No. TSO–C69b, 800 Independence Avenue, SW., Washington, DC 20591.

Or deliver comments to:

Room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Policy and Procedures Branch, AWS–110, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 426–8395.

Comments received on the proposed technical standard order may be inspected, before and after the comment closing date at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

TSO–C69a is being changed to require evacuation devices to be designed to have positive buoyancy when extended and a means to readily disconnect the device from the aircraft so that it can be used an an emergency flotation device. In addition, the device shall provide a lifeline along the sides on at least 80 percent of the outside periphery of the device so it can be easily grasped by persons in the water. These changes are to be made applicable to all devices manufactured after a date one year after the date of the final TSO.

How to Obtain Copies

A copy of the proposed TSO may be obtained by contacting the person under **"FOR FURTHER INFORMATION CONTACT."** Federal Aviation Administration Standards for Emergency Evacuation Slides, Ramps, and Slide/Raft Combinations may be obtained at the FAA Headquarters in the Office of Airworthiness, Aircraft Engineering Division (AWS–110), and at all aircraft certification offices (ACO's).

Issued in Washington, DC on June 18, 1986.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 86–14515 Filed 6–26–86; 8:45 am]

BILLING CODE 4910–13–M

VETERANS ADMINISTRATION

50-Bed Nursing Home Care Addition; Oklahoma Veterans Center, Clinton, OK; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of a 50-bed Nursing Care Addition to the existing Oklahoma Veterans Center at Clinton, Oklahoma. The approximate cost of this project is $1.255 million.

A beneficial impact will be the change in land use from vacant lawn into a 50-bed nursing care unit to accommodate additional patients.

Construction related traffic may cause disruption of nearby traffic flow. In addition, construction noise associated with the development of the new addition is likely to cause annoyance to patients and other occupants of the facility. The impact of dust and fumes that will exist during construction will be of short effect lasting only during that phase of project development. In relation to both construction and operation, the new facility will be built in accordance with applicable Federal, State and local air quality standards.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Tile 40, CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of that document may do so at the following office:

Associate Deputy Administrator for Logistics, Room 653, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202/389–3544). Questions or requests for single copies of the Environmental Assessment may be addressed to the above.

Dated: June 18, 1986.

Thomas K. Turnage,

Administrator.

[FR Doc. 86–14584 Filed 6–26–86; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 124
Friday, June 27, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

AFRICAN DEVELOPMENT FOUNDATION

TIME: 2:00–5:00 p.m.

PLACE: 1625 Massachusetts Avenue, NW., Washington, DC 20036.

DATE: Friday, July 18, 1986.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's Report
2. President's Report
3. Program Report—Dr. Patsy Blackshear
4. Other Business

CONTACT PERSON FOR MORE INFORMATION: Mrs. Marjorie S. Cook (673–3916).

Leonard H. Robinson, Jr.,
President.

[FR Doc. 86–14666 Filed 6–25–86; 12:52 pm]
BILLING CODE 6116–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 22877, Dated June 23, 1986.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (eastern time) Monday, June 30, 1986.

CHANGE IN THE MEETING: The open portion of the meeting has been postponed and will be rescheduled at a later date.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, (202) 634–6748.

Dated: June 26, 1986.

Cynthia C. Matthews,
Executive Officer, Executive Secretariat.

[FR Doc. 86–14687 Filed 6–25–86; 3:54 pm]
BILLING CODE 6750–06–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, July 1, 1986, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Chase Manhattan Financial Center, Inc., an operating noninsured industrial bank located at 8300 Norman Center Drive, Suite 190, Bloomington, Minnesota.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Basin Loans, Inc., an operating noninsured industrial bank located at 74 East Main Street, Vernal, Utah.

Applications for consent to purchase assets and assume liabilities:

The Central Trust Company, National Assocation, Cincinnati, Ohio, for consent to purchase the assets of and assume the liability to pay deposits made in Madison Savings Bank, Cincinnati, Ohio, a non-FDIC-insured institution.

First West Virginia Bank, National Association—Buckhannon, Buckhannon, West Virginia, a national bank in organization for consent to purchase certain assets of and assume the liability to pay deposits made in the Buckhannon Branch of Fed One, F.A., Wheeling, West Virginia, a non-FDIC-insured institution.

Applications for consent to merge and establish branches:

First Alabama Bank, Montgomery, Alabama, an insured State nonmember bank, for consent to merge, under its charter and title, with First State Bank of Alabama, Decatur, Alabama, and for consent to establish the five offices of First State Bank of Alabama located in Morgan County, Alabama, as branches of the resultant bank.

Union Bank and Trust Company, Kokomo, Indiana, an insured State nonmember bank, for consent to merge, under its charter and title, with State Bank of Greentown, Greentown, Indiana, and to establish the sole office of State Bank of Greentown as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,549–NR (Amendment)
Golden Pacific National Bank, New York (Manhattan), New York
Case No. 46,555–SR
First Enterprise Bank, Oakland, California
Case No. 46,556–SR
Columbia Pacific Bank & Trust Company, Portland, Oregon
Case No. 46,557–NR
Western National Bank of Lovell, Lovell, Wyoming
Case No. 46,558–SR
Hereford State Bank, Hereford, Colorado
Case No. 46,559–SR
First National Bank of Browning, Browning, Montana
Case No. 46,560–SR
Citizens State Bank, Edgerton, Wyoming

Memorandum regarding a request for funding for equipment.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution regarding a policy which would facilitate the sale of substandard assets acquired in purchase and assumption transactions from failed agricultural banks, which policy would be implemented via certain provisions in the standard purchase and assumption agreement.

Memorandum and resolution re: Amendments to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control," which would delegate authority to (1) the Board of Review to accept written agreements concerning enforcement actions,

and (2) the Director of the Division of Bank Supervision, or his designee, to modify orders issued pursuant to section 8 of the Federal Deposit Insurance Act in connection with the Corporation's policy regarding capital forbearance.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 – 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: June 24, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–14661 Filed 6–25–86; 12:23 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, July 1, 1986, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations regarding the Corporation's assistance agreement with an insured bank.

Request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

Discussion Agenda:

Applications for Federal deposit insurance:

InterFirst Bank Delaware, a proposed new bank to be located at 509 White Clay Center Drive, Newark, Delaware.

RepublicBank Delaware, a proposed new bank to be located at 501 White Clay Center Drive, Newark, Delaware.

Texas American Bank/U.S., a proposed new bank to be located at 507 White Clay Center Drive, Newark, Delaware.

Texas Commerce Banks, a proposed new bank to be located at 513 White Clay Center Drive, Newark, Delaware.

LBS Bank—New York, a proposed new bank to be located at 126 East 56th Street, New York (Manhattan), New York.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: June 24, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–14662 Filed 6–25–86; 12:23 pm]

BILLING CODE 6714–01–M

5

INTER-AMERICAN FOUNDATION BOARD

TIME AND DATE:

July 21, 1986, 6:00–9:00 p.m.
July 22, 1986, 9:00 a.m.–12:00 noon

PLACE: 1515 Wilson Boulevard, Fifth Floor, Rosslyn, Virginia 22209.

STATUS: Open except for the portion to be held as Closed Session to discuss Personnel matters as defined in § 1004.4(b) of 22 CFR Chapter 10.

MATTERS TO BE CONSIDERED:

July 21, 1986

1. The Chairman's Report
2. The President's Report
3. Approval of the Minutes of the Meeting of December 9–10, 1985
4. Closed Session to Discuss Personnel Matters as Defined in § 1004.4(b) of 22 CFR Chapter 10

July 22, 1986

5. Report of the Committees of the Board
6. Other Business

CONTACT PERSONS FOR MORE INFORMATION: Charles M. Berk, Secretary to the Board of Directors (703) 841–3812.

Dated: June 18, 1986.

Charles M. Berk,

Sunshine Act Officer.

[FR Doc. 86–14625 Filed 6–25–86; 9:56 am]

BILLING CODE 7025–01–M

6

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 11:34 a.m., Wednesday, June 25, 1986.

PLACE: 1776 G Street, NW., Washington, DC 20456, 6th Floor.

STATUS: Closed.

MATTERS CONSIDERED:

1. Conservatorship.
2. Adminstrative Action under sections 120(b)(1) and 207(a)(1) of the Federal Credit Union Act.

The Board unanimously voted that the Agency business required that a meeting be held with less than the usual seven days advance notice.

The Board unanimously voted to close the meeting under exemption (8). The General Counsel certified that the meeting could be closed under that exemption.

FOR MORE INFORMATION CONTACT: Becky Baker, Acting Secretary of the Board, Telephone (202) 357–1100.

Becky Baker,

Acting Secretary of the Board.

[FR Doc. 86–14690 Filed 6–25–86; 3:57 pm]

BILLING CODE 7535–01–M

7

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, July 9, 1986.

PLACE: Board Hearing Room 8th Floor, 1425 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of June, 1986.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523–5920.

Date of notice: June 20, 1986.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 86–14663 Filed 6–25–86; 12:52 pm]

BILLING CODE 7550–01–M

federal register

Friday
June 27, 1986

Part II

Department of Agriculture

Office of the Secretary
Farmers Home Administration

7 CFR Parts 12, 1940, 1941, 1943, 1945, and 1980
Highly Erodible Land and Wetland Conservation; Interim Rule

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Farmers Home Administration

7 CFR Parts 12, 1940, 1941, 1943, 1945, and 1980

Highly Erodible Land and Wetland Conservation

AGENCY: Office of the Secretary and Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this rule is to set forth the terms and conditions under which a person who has produced an agricultural commodity on highly erodible land or newly converted wetland shall be declared ineligible for certain benefits provided by the U.S. Department of Agriculture, i.e., commodity price support or production adjustment payments, farm storage facility loans, disaster payments, payments for storage of CCC grain, Federal crop insurance, and loans made under any provision of law administered by the Farmers Home Administration, as required by Subtitles B and C of Title XII of the Food Security Act of 1985 (Pub. L. 99–198).

DATES: Effective June 24, 1986. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 24, 1986.

Comments must be received on or before August 26, 1986, in order to be assured of consideration.

ADDRESS: Comments should be mailed to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Mr. Alex King, Program Specialist, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013. Phone: (202) 447–4542. Single copies of the combined environmental assessment, regulatory impact analysis, and regulatory flexibility analysis are available through this office.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under U.S. Department of Agriculture (the "Department") procedures established in accordance with provisions of Departmental Regulation 1512–1 and Executive Order 12291 and has been classified as "major." It has been determined that an annual effect on the economy of $100 million or more may result from implementation of the provisions of this interim rule. Copies of the regulatory impact analysis are available upon request.

The paperwork requirements imposed by this rule will not become effective until they have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. Such approval has been requested and is under consideration.

The Secretary of Agriculture has determined that this action may have a significant economic impact on a substantial number of small entities. The analysis prepared for this action includes a regulatory flexibility analysis.

The titles and numbers of the Federal Assistance Program to which this rule applies are: Commodity Loans and Purchases—10.051; Cotton Production Stabilization—10.052; Emergency Conservation Program—10.054; Emergency Loans—10.404; Farm Operating Loans—10.406; Farm Ownership Loans—10.407; Feed Grain Production Stabilization—10.055; Storage Facilities Equipment Loans—10.056; Wheat Production Stabilization—10.058; National Wool Act Payment—10.059; Beekeeper Indemnity Payments—10.060; Rice Production Stabilization—10.065; Federal Crop Insurance—10.450; Soil and Water Loans—10.416, as found in the catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

In order to meet the statutory deadline for the issurance of regulations implementing the provisions of Subtitles B and C of Title XII of the Food Security Act of 1985 (the"Act") and in order to provide producers of commodities sufficient time to make their production plans for the 1987 crop year in conformity with the provisions of Subtitles B and C, it has been determined that this interim rule shall be effective upon filing with the Federal Register.

Section 1244 of the Act provides that the Secretary of Agriculture shall issue such regulations as are necessary to carry out Subtitles B and C of Title XII of the Act not later than 180 days after the enactment of the Act. The Act was signed into law on December 23, 1985. The time period provided for in the Act ends on June 21, 1986. Further, producers of winter wheat will soon be finalizing their plans for the 1987 crop. It is necessary that these producers be aware of the actions which they may have to take or refrain from taking in order to maintain eligibility for benefits provided by the Department with respect to the 1987 crop.

Comments are requested with respect to this interim rule and such comments shall be considered in developing the final rule.

Statutory Authority

This activity is required pursuant to Subtitles B and C of Title XII of the Act. Sections 1211 and 1221 of the Act were designed to remove the incentive that certain benefits provided by the Department could give producers to cultivate highly erodible land or to convert wetlands for the purpose of producing an agricultural commodity. Sections 1211 and 1221 of the Act provide generally that any person, who in any crop year, producers an agricultural commodity on a field in which highly erodible land is predominant without an approved conservation system or on newly converted wetland shall be ineligible for commodity price support or production adjustement payments, farm storage facility loans, disaster payments, payments for storage of Commodity Credit Corporation grain, and Federal crop insurance, and loans made, insured, or guaranteed under any provision of law administered by the Farmers Home Administration if the Secretary determines that the proceeds of such loan will be used for a purpose that will contribute to excessive erosion of highly erodible lands or to conversion of wetlands for agricultural production.

This interim rule adds a new Part XII to Subtitle A of Title 7 of the Code of Federal Regulations (CFR) to implement the provisions of Subtitles B and C of Title XII of the Act. Since the ineligiblity provisions affect several agencies of the Department, it was determined, in order to ensure consistent and fair application of the provisions of the Act, that one regulation be issued by the Secretary of Agriculture (the "Secretary") which generally sets forth: (1) The definitions of highly erodible land, wetland, and converted wetland; (2) the activity which would cause a producer to be ineligible under the provisions of the Act; (3) the exemptions contained in the Act; (4) the responsibilities of each agency of the Department with respect to implementation of the provisions of the Act; and (5) the appeal rights of any person who is denied eligibility under the provisions of this interim rule for benefits provided by the Department.

This interim rule shall be applicable to all affected agencies of the Department, namely the Agricultural Stabilization and Conservation Service (ASCS), the Commodity Credit Corporation (CCC), the Farmers Home Administration (FmHA), the Federal Crop Insurance Corporation (FCIC), and the Soil Conservation Service (SCS).

In addition, this interim rule amends the Farmers Home Administration (FmHA) regulations by adding Exhibit M to Subpart G of Part 1940 of Chapter XVIII of this Title and by making other conforming changes to the FmHA farmer program loan making regulations for the purpose of implementing the Act's requirements.

Discussion

A. 7 CFR Part 12—Highly Erodible Land and Wetland Conservation

(1) General

Under the provisions of this interim rule, before any person can be determined to be eligible for any of the benefits listed in sections 1211 and 1221 of the Act ("program benefits") from the Department of Agriculture, it must be determined whether such person owns, operates, or otherwise has an interest in any highly erodible land or wetland and such person must certify that such person will not produce an agricultural commodity on highly erodible land or converted wetland during the year in which the person is applying for benefits, unless such production is exempt from the provisions of sections 1211 and 1221 of the Act.

Each agency of the Department to which a person applies for benefits remains responsible for determining the person's eligibility. However, certain determinations which must be made in accordance with Subtitles B and C of Title XII of the Act may not be within that agency's expertise.

Therefore, § 12.6 of the interim rule assigns the responsibility for making certain determinations required to be made under the provisions of the interim rule to SCS, ASCS, FmHA, and FCIC.

Generally, the SCS shall make any determinations which are necessary with respect to the identification of highly erodible land or wetland, the adequacy of conservation plans, conservation systems, and other technical issues. The ASCS shall make determinations regarding cropping history, field boundaries, status of persons as producers, and other issues generally within that agency's expertise. The FmHA is responsible for determining whether loan proceeds would be used for a purpose which would contribute to excessive erosion of highly erodible lands or to the conversion of wetlands for agricultural production.

Any determination which must be made in order to implement the provisions of this interim rule and with respect to which an agency has not been specifically assigned the responsibility to render such determination shall be made by the agency to which the person has applied for program benefits.

Any person who has been or would be denied program eligibility due to a determination rendered by an agency under the provisions of this interim rule shall have the opportunity to obtain a review of such determination. A request for reconsideration of, or appeal from, a determination must be filed with the agency of the Department that rendered the adverse determination in accordance with that agency's appeal regulations.

(2) Definition of Highly Erodible Land

Section 1201(a)(7) of the Act provides several alternative definitions of highly erodible land. The erodibility of land may be determined based upon the SCS Land Capability Classification System, the use of the Universal Soil Loss Equation and the Wind Erosion Equation, a determination of the actual erosion occurring on the land, or a combination of some of these methods. These options are discussed in detail in the environmental assessment prepared for the purposes of this interim rule.

The criteria used to identify highly erodible land affect how much land will be covered by these provisions of the Act. The 1982 National Resources Inventory (the "1982 NRI") indicates that 185.4 million acres of cropland are eroding at more than the rate of natural soil replacement, i.e., the soil loss tolerance level. Also, the 1982 NRI indicates that up to 494 million acres of pasture, range, forest, and other farmland have a potential to be converted to cropland in the future. Approximately 46 percent of this potential cropland acreage is subject to excessive erosion. Thus, if the provisions of the Act are to be effective, a majority of this acreage must be defined as being highly erodible.

It has been determined that, for the purpose of this interim rule, highly erodible soils will be identified by the application of factors from the Universal Soil Loss Equation and Wind Erosion Equation.

The use of these factors will enable the Department to determine the potential of the soil to erode excessively when cultivated without adequate conservation treatment. Erosion potential considers the physical effect that climate, topography, and soil properties have on the erosion process, but excludes the practices and management that may or may not be applied by man. Erosion potential is determined by dividing the potential maximum average annual rate of erosion for each soil by the established soil loss tolerance rate for such soil. The potential average annual rate of erosion is determined by application of factors from the Universal Soil Loss or Wind Erosion Equation to each area of land identified on a soil map as a soil map unit.

The major advantages of using erosion potential criteria instead of other alternatives which were considered by the Department include: (1) The ability to apply this criteria to noncropland that may be cultivated in the future; (2) the ability to apply the criteria to soil map units, which are the smallest delineations of soil properties, thus facilitating the preparation of a list of high erodible soil map units; and (3) coverage of a high percentage of the soils that are currently eroding excessively. Using these factors as set forth in § 12.21 of the interim rule, 117.9 million acres of cropland and 227.3 million acres of noncropland are identified as being highly erodible. This amounts to 24.5 percent of all agricultural land and accounts for 58 percent of all cropland erosion.

The highly erodible land criteria used for this interim rule is not the same as the criteria presently used for the Conservation Reserve Program (CRP). However, the primary purpose of the CRP is to reduce excessive erosion by taking cropland out of production. The use of the land classification system in conjunction with criteria concerning the actual erosion which is occurring on the land ensures that the CRP is directed toward the most excessively eroding cropland first.

Soil map units shall be used by the Department as the basis for identifying highly erodible lands. A soil map unit represents an area of the landscape shown on a soil survey map which consists of one or more soils and is described in soil survey reports. Because each soil map unit has a unique set of physical and chemical properties, it is the basis to which the factors of the Universal Soil Loss Equation and the Wind Erosion Equation can be applied.

The Act provides that a person shall be ineligible for certain program benefits if the person produces an agricultural commodity on a field in which highly erodible land is predominant without an approved conservation system. Therefore, the Department must make a

determination of predominance with respect to each field on the farm that contains highly erodible soils. If the criterion to determine the predominance of highly erodible land is set too high, a large amount of highly erodible land would be excluded from the provisions of the Act. If the criterion are set too low, too much land that is not highly erodible will be covered by the provisions of the Act.

Section 12.22 (a) of the interim rule provides that fields containing 33.33 percent or more of the total field acreage identified as soils that are highly erodible shall be determined to be predominantly highly erodible. Generally, this highly erodible area produces most of the erosion that occurs on the field and constitutes a predominant factor limiting production on that field.

Further, § 12.22 (a) of the interim rule provides that any field shall be determined to contain a predominance of highly erodible land if the field contains 50 or more acres of highly erodible land. The Department is concerned that large fields of cropland that contain sizeable amounts of highly erodible lands would not be determined to be highly erodible through the application of the 33.33 percent criterion. For example, if 1000 acres were broken out or continued to be used for cropland under the 33.33 percent criterion, slightly more than 330 acres could be highly erodible without the field being classified as a highly erodible field. Cultivation on such large amounts of highly erodible land without adequate conservation treatment is not consistent with the intent of the Act. The Department, upon request, will assist producers in structuring field boundaries so that highly erodible areas are not included insuch fields.

The criteria for determining whether a field is predominantly highly erodible are not the same as the criteria used for the CRP. Two-thirds of a field must be highly erodible in order for such field to be eligible to be placed in the CRP. Again, the two-thirds criterion under the CRP is intended to ensure that the most highly erodible fields are included in the CRP. This maximizes the beneficial impact on erosion reduction and allows the Department to place more highly erodible land into the CRP per dollar expended than lower criteria would allow.

(3) Definition of Wetland

Section 1201(a)(16) of the Act defines wetland as land that has a predominance of hydric soil and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Therefore, in order for an area to be a wetland, such area must, under normal circumstances, contain both a predominance of hydric soils and a prevalence of hydrophytic vegetation.

Section 12.02(a)(13) of the interim rule adopts the statutory definition of hydric soil: Soil that in its undrained condition is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation. Section 1201(b) of the Act provides that the Secretary shall develop criteria for the identification of hydric soils and shall develop a list of such hydric soils. It has been determined that the criteria to be used in the identification of hydric soils and in the development of the list of such soils shall be the criteria and soils set forth in the publication "Hydric Soils of the United States 1985." This publication was developed by the National Technical Committee for Hydric Soils, chaired by SCS, and is currently used by several agencies in defining wetland. The list of hydric soils and their criteria are the products of over 5 years effort of the Committee which is composed of an interagency team of soil scientists. The criteria used to develop the list are consistent with the criteria contained in the statutory definition.

The determination of the predominance of hydric soil in a given area shall be based on the occurrence of hydric soils in a soil map unit. A soil map unit may have a hydric soil as a major component (which would be indicated by that unit having a hydric soil as part of the name of the soil map unit) or as an inclusion or minor part of the soil map unit. A soil map unit may also be named for a miscellaneous area that meets hydric soil watertable, ponding, or flooding criteria such as riverwash, playas, beaches, or water.

The predominance test is a method of identifying soil map units that have components or inclusions of hydric soils or miscellaneous areas that meet hydric soil watertable, ponding, or flooding criteria. This test of predominance was chosen because other alternatives considered do not protect significant wetlands such as potholes, or other areas meeting hydric soil criteria.

Section 1201(a)(9) of the Act defines hydrophytic vegetation as a plant growing in water or a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content. The Act provides that the Secretary shall develop criteria for the identification of hydrophytic vegetation and shall develop a list of such vegetation.

Section 12.31 of the interim rule provides that the "National List of Plant Species that Occur in Wetlands" (the "National List") which was developed by the National Wetland Plant List Review Panel shall be used for the identification of hydrophytic vegetation. The National List and its classification of plant species into indicator groups based on their preference for wetland conditions is currently used in wetland determinations by a number of agencies. The National List was established through the use of definitions of hydrophytic vegetation which are consistent with the definition contained in the Act.

As stated above, in order for an area to be a wetland, such area must, under normal circumstances, contain a prevalence of hydrophytic vegetation. Section 12.31(b) of the interim rule provides for the use of a sample of the frequency of occurrence for all plants within the plant community in an area, identified by indicator groups, to arrive at a weighted average value for the purpose of determining whether or not a prevalence of hydrophytic vegetation exists in the area. In the event the vegetation on an area has been altered prior to an on-site evaluation, prevalence of hydrophytic vegetation will be determined based upon the hydrophytic vegetation which typically exists on the same hydric soil map unit in the local area.

The Department considered a number of methods to determine prevalence of hydrophytic vegetation within a plant community. The chosen evaluation process is primarily based upon research conducted by the Fish and Wildlife Service, U.S. Department of the Interior, and researchers at North Carolina State University. The weighted average method has been selected to determine prevalence because it is relatively simple to perform, is as accurate as other methods, and is objective.

The Department will review the use of the weighted average test and other methodologies to determine a prevalence of hydrophytic vegetation.

The Department intends to provide SCS handbook guidance to SCS field office personnel in order to ensure that office determinations regarding the identification of wetland are made based upon the best possible information. SCS intends to instruct its field office personnel to use, in addition to soil survey maps, other available

natural resource information such as National Wetland Inventory Maps and ASCS aerial photographs when making wetland and determinations. SCS intends to provide in its handbook that the district conservationist will review office determinations and make on-site determinations as to whether an area meets wetland criteria if: (1) Soil survey maps were not available to support the office determination; or (2) the information from the soil survey map conflicts with information from other sources such as National Wetland Inventory Maps or ASCS aerial photographs.

(4) Definition of Converted Wetland

Section 1201(a)(4) of the Act defines converted wetland as wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose or to have the effect of making the production of an agricultural commodity possible if such production would not have been possible for such action, and before such action, such land was wetland and such land was neither highly erodible land nor highly erodible cropland.

Section 12.32(a) of the interim rule provides that a wetland shall be determined to have been drained, dredged, filled, leveled, or otherwise manipulated for the purpose or to have the effect of making the production of an agricultural commodity possible if (1) one or more of the hydric soils criteria of such wetland has been removed or (2) the hydrophytic vegetation on such wetland has been removed or destroyed.

The removal of one or more of the hydric soils criteria or the removal or destruction of hydrophytic vegetation removes one or more of the criteria that characterizes an area as wetland. The removal of one or more of the hydric soils criteria or the removal or destruction of hydrophytic vegetation is an objective measure of the effect an action has on a wetland. It is a good indication as to whether the action has been taken for the purpose or to have the effect of making the production of an agricultural commodity possible on such wetland.

It should be noted that an area cannot be determined to be a converted wetland unless such area was a wetland before the drainage activity occurred. Therefore, as stated earlier, in cases where the vegetation has been removed, modified, or destroyed, SCS will determine the prevalence of hydrophytic vegetation as it existed prior to the alteration based upon the occurrence of such vegetation typically found on the same soil map unit in the local area.

The Act also provides that wetland shall not be considered converted wetland if production of an agricultural commodity on such land during a crop year is possible as a result of a natural condition, such as a drought, and is not assisted by an action of the producer that destroys natural wetland characteristics. Section 12.32(b) of the interim rule incorporates these provisions.

During the comment period for this interim rule, the Department will be conducting pilot testing regarding the effectiveness and practicality of the criteria and methodology for making determinations under the wetland conservation provisions of this interim rule. This testing process will be carried out in consultation with the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers.

(5) Other Definitions

Section 1201(a)(1) of the Act defines an agricultural commodity as any crop planted and produced by annual tilling of the soil or on an annual basis by one-trip planters or sugarcane planted or produced in a State. Section 12.2(a)(1) of the interim rule adopts this definition.

Section 12.2(a)(19) of the interim rule defines the term "person" to mean an individual, partnership, association, corporation, cooperative, estate, trust, joint venture, joint operation, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof and such person's affiliates. Section 12.11 of the interim rule specifies which persons shall be considered to be affiliated for the purposes of this interim rule.

For purposes of the provisions of this interim rule it has been determined that an agricultural commodity shall be considered to have been "produced" on highly erodible land or converted wetland if the agricultural commodity has been planted. The Department recognized that considerable damage to such lands occurs at the time of planting with the breaking of the land.

Section 12.2(a)(20) of the rule defines a "producer" as a person who, as owner, landlord, tenant or sharecropper, is entitled to share in the crops available for marketing from the farm or in the proceeds thereof. This definition is consistent with the definition for a "producer" as set forth in 7 CFR 719.2(t).

Section 1201(a)(5) of the Act provides that a field shall have the same definition as it is defined in 7 CFR 718.2(b)(9). 7 CFR 718.2(b)(9) defines a field as a part of a farm which is separated from the balance of the farm by permanent boundaries such as fences, permanent waterways, woodlands, croplines in cases where farming practices make it probable that such cropline is not subject to change, or other similar features. Accordingly, § 12.2(a)(11) of the interim rule adopts this definition.

(6) Farmers Home Administration Loans

Sections 1211(1)(E) and 1221(1)(E) of the Act provide that a person shall not be eligible for any loans made, insured, or guaranteed under any provisions of law administered by the FmHA if the Secretary determines that the proceeds of such loans will be used for either a purpose that will contribute to excessive erosion of highly erodible land or a purpose that will contribute to conversion of a wetland for agricultural production. FmHA has amended its regulations by adding Exhibit M and has made other conforming changes to its Farmer Program loan making regulations for the purpose of implementing the requirements of the Act. The amendments make it clear that an applicant will not be eligible for a Farm Operating Loan, Farm Ownership Loan, Emergency Loan, or Soil and Water Loan if FmHA determines that the proceeds of such insured or guaranteed loan will be used for either a purpose that will contribute to excessive erosion of highly erodible land or a purpose that will contribute to conversion of a wetland for agricultural production.

(7) Federal Crop Insurance

In accordance with the provisions of this interim rule, FCIC shall deny crop insurance to persons who produce an agricultural commodity on highly erodible land or converted wetland. Regulations governing the eligibility of a producer to obtain crop insurance shall be amended to conform to the provisions of this rule. FCIC shall require producers participating in the crop insurance program to provide a certification to FCIC as required in § 12.7 of the interim rule. All direct marketing insurance companies under contract with FCIC, reinsured companies, and current insureds shall be required to comply with the provisions of this rule. Because insurance policies are in effect and liability already assumed for the 1986 crop year, FCIC will require compliance with the provisions of this rule beginning with the 1987 crop year.

(8) Exemptions

Section 1212 of the Act provides that, during the period beginning December 23, 1985, and ending on the later of January 1, 1990, or the date that is 2 years after the date land on which a crop of an agricultural commodity is produced was mapped by the SCS, no person shall become ineligible under the highly erodible land conservation provisions for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity on any land that was: (a) Cultivated to produce any of the 1981 through 1985 crops of an agricultural commodity; or (b) set-aside, diverted or otherwise not cultivated under a program administered by the Secretary for any such crops to reduce production of an agricultural commodity.

These exemptions allow affected persons to continue the production of agricultural commodities on highly erodible land through January 1, 1990 (or 2 years after SCS maps the land), without having to actively apply a conservation plan to maintain program eligibility. This provision has been incorporated in § 12.5(a) of the interim rule. This exemption is applicable only in cases where the land was cultivated to produce an agricultural commodity or was used as set-aside or diverted acreage under any production adjustment program. Land that was devoted to perennial crops not requiring annual tilling during the years 1981–1985 is not included, since such plants are not included in the definition of agricultural commodity as set forth in the Act.

Section 1212 of the Act also provides that no person shall become ineligible under the highly erodible land conservation provisions for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity planted before December 23, 1985, or during any crop year beginning before such date. This exemption is incorporated in the interim rule.

Section 1212 of the Act also provides that no person shall become ineligible for program payments as the result of the production of a crop of an agricultural commodity on highly erodible land if such person is using a conservation system on such land. This provision is incorporated in the rule. A person is considered to be using an approved conservation system when the planned conservation practices are being used on the land in accordance with the conservation plan.

Additionally, section 1212 of the Act provides that if, as of January 1, 1990, or 2 years after the SCS has completed a soil survey for the farm, whichever is later, a person is actively applying a conservation plan based upon the local SCS technical guide, such person shall have until January 1, 1995, to comply with the plan without being subject to program ineligibility. This provision applies only in cases where the highly erodible land was cultivated to produce any of the 1981 through 1985 crops of an agricultural commodity or the highly erodible land was used as set-aside, diverted or otherwise not cultivated under a program administered by the Secretary for any such crops to reduce production of an agricultural commodity. This provision was incorporated in § 12.5(b) of the interim rule.

Section 12.5(c)(4) of the interim rule exempts persons from the ineligibility provisions of the interim rule if such person produced a crop of an agricultural commodity on highly erodible land in reliance on an agency determination that such land was not highly erodible.

Section 1222(a) of the Act provides, in part, that no person shall become ineligible under the wetland conservation provisions for program benefits as the result of the production of a crop of an agricultural commodity on converted wetland if the conversion of such wetland was commenced before the date of enactment of the Act (December 23, 1985).

It has been determined that a person shall be considered to have commenced the conversion of a wetland by December 23, 1985, if, prior to December 23, 1985, such person: (1) Began substantial earth moving for the purpose of draining the wetland or (2) legally and financially committed substantial funds, by entering into a contract for earth moving, or otherwise, for the purpose of draining the wetland. The Department shall determine the amount of land which is exempt under this provision based upon the amount of land which would be drained by the earth moving required in the contract or, if there is no contract, which would be drained by the earth moving which had begun prior to December 23, 1985.

Section 1222(a) of the Act provides that no person shall become ineligible under the wetland conservation provisions for program loans, payments, and benefits as a result of the production of a crop of an agricultural commodity on an artificial lake, pond, or wetland created by excavating or diking nonwetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), settling basin, cooling, rice production, or flood control. This provision allows a producer to produce agricultural commodities on lands resulting from the conversion of artificial wetland that was itself created from nonwetland and still maintain eligibility for program benefits.

Section 12.31(c) of the interim rule provides that a wetland shall be considered to be an artificial wetland if such wetland meets the criteria for classification as a wetland but would not meet such criteria if the area was in its natural, undrained state. The rule also provides that wetlands created in order to mitigate the loss of other wetlands as a result of irrigation or flood control projects shall not be considered to be artificial wetlands.

Under the exemptions listed in section 1222 of the Act, the Secretary may also exempt a person from the wetland conservation provisions of the Act with respect to any action associated with the production on an agricultural commodity on converted wetland if the effects of such action individually and in connection with all other similar actions authorized by the Secretary in the area on the hydrological and biological aspects of wetlands are minimal. Section 12.31(d) of the rule provides that SCS, in consultation with the Fish and Wildlife Service, U.S. Department of the Interior, shall determine through an on-site evaluation whether any such actions shall have only a minimal impact on wetlands. The determination will be based upon an environmental evaluation analyzing the effect of the action on the maintenance of wetland values. The environmental evaluation of the proposed wetland alteration activities will provide a determination as to whether or not the effects of such alteration will be minimal in relation to the wetland and its values. The Department will review different methodologies (such as the Adamus method, which is a test developed by the Federal Highway Administration for the purpose of determining wetland functional values) for the purpose of analyzing the effect of an action on the maintenance of wetland values.

A review of the legislative history concerning minimal effects indicates that a minimal effect is one which does not significantly alter wetland functional values and that the minimal effect exemption is expected to be rarely used.

Since this interim rule was not issued in advance of the planting of the 1986 crops of agricultural commodities, it has been determined that, in order to ensure a fair and reasonable determination of ineligibility, producers should not be denied eligibility for program benefits with respect to the 1986 crop under the

provisions of this interim rule. Therefore, § 12.5(f) of the interim rule provides that a person shall not be determined to be ineligible under the provisions of the interim rule, for any program benefits with respect to the production of a crop of a commodity which was planted during the period December 23, 1985, through June 27, 1986.

(9) Compliance

The Department will not rely entirely on certifications (as provided in accordance with § 12.7 of the interim rule) in determining whether a person has produced an agricultural commodity on highly erodible land or on converted wetland. ASCS will inspect annually a representative number of farms to determine whether persons are adhering to the requirements of eligibility set forth in this interim rule. In the past, ASCS has inspected at least 15 percent of the farms which are identified on field certifications.

The Department will also withhold or require a refund of any program benefits otherwise due a person if the person adopts or participates in adopting any scheme or device designed to evade or which has the effect of evading the provisions of this interim rule. Program benefits will be denied persons who attempt to maintain their eligibility for program benefits by creating entities that serve as the person's alter ego and produce on either highly erodible land or converted wetland.

B. 7 CFR Part 1940—General

In order to implement the provisions of Subtitles B and C of Title XII of the Act, it has been determined to amend subpart G of Part 1940 of Chapter XVIII of Title 7 of the CFR by adding a new Exhibit M. This amendment applies to insured Farm Operating Loans, Farm Ownership Loans, Emergency Loans, and Soil and Water Loans, and also Farmer Program Guaranteed Loans and explains the circumstances under which applicants and borrowers proposing to produce an agricultural commodity on a converted wetland or a field on which highly erodible land is predominant will be determined to be ineligible for FmHA finalcial assistance.

Exhibit M incorporates the provisions of 7 CFR Part 12 with respect to the implementation of the Act. FmHA will coordinate its activities in implementing the Act with the Soil Conservation Service (SCS), the Agricultural Stabilization and Conservation Service (ASCS) and the Federal Crop Insurance Corporation (FCIC).

Paragraph 5 of Exhibit M provides that each applicant, at the time of loan application, must consult with SCS to determine if the applicant's farm property contains any wetland or highly erodible land, and if so, whether any of the exemptions contained in 7 CFR 12.5 apply. This consultation with SCS need not be repeated by the applicant for a subsequent loan as long as there is no change in either the applicant's farm property or the status of any previous exemptions.

Paragraph 5 of Exhibit M also provides that if any applicant's property contains wetlands or highly erodible land, the applicant must certify that the proceeds of the FmHA loan will not be used for either: (1) A purpose that will contribute to conversion of a wetland to produce an agricultural commodity, or (2) a purpose that will contribute to the production of an agricultural commodity on a nonexempt field on which highly erodible land is predominant unless such production is done is accordance with an approved conservation system. Compliance with these procedures will be documented by FmHA as a part of its environmental assessment process. If an applicant does plan to use the proceeds of an FmHA loan to convert a wetland for agricultural production or to produce an agricultural commodity on a nonexempt field on which highly erodible land is predominant, such applicant will not be eligible for the loan.

During the term of a loan received by a borrower whose property contains a wetland or a field on which highly erodible land is predominant, FmHA will review the borrower's compliance with the provisions of Exhibit M as an element of loan servicing which includes scheduled farm visits, development of a farm plan of operation, and other contacts with borrowers. Lenders of FmHA guaranteed loans are also responsible for monitoring compliance as part of their servicing activities. If it is determined that a borrower has misused the proceeds of an FmHA insured loan, as defined in Exhibit M, that loan will be declared to be in default. In a similar case for a guaranteed loan, any failure of the lender to adequately implement the compliance requirements of Exhibit M will be considered negligent servicing and any loss attributed to such negligent servicing will not be paid by FmHA.

The basic need to amend Subpart G of Part 1940 stems from the language in sections 1211(1)(E) and 1221(1)(E) of the Act. They provide that a person shall not be eligible for any loans made, insured, or guaranted under any provisons of law administered by FmHA if the Secretary determines that the proceeds of such loans will be used for either a purpose that will contribute to excessive erosion of highly erodible land or a purpose that will contribute to the conversion of a wetland for agricultural production. It has been determined and is so stated in paragraph 3 of Exhibit M that excessive erosion of highly erodible land results whenever a nonexempt field on which highly erodible land is predominant is used to produce an agricultural commodity without conformance to an approved conservation system. This position has been taken because it is consistent with the standard set by the Act for the production of an agricultural commodity on nonexempt highly erodible land. That is, such production must be done in accordance with an approved conservation system.

A second issue related to the implementation of section 1211(1)(E) is the definition of the phrase "a purpose that contributes to" excessive erosion or conversion of a wetland. It has been determined and is so stated in paragraph 3 of Exhibit M that the proceeds of a loan will be considered to be used for a purpose that contributes to excessive erosion or conversion of a wetland if proceeds are used to purchase the affected land, plan the conversion, drain or plow the land, and plant an agricultural commodity on a nonexempt converted wetland over any of the ten years following the conversion. The use of a ten-year period following the crop year in which the wetland was converted has been selected because this period provides a clear economic break or economic disincentive to the approach of using non-FmHA funds to convert a wetland and then applying for FmHA funds to cultivate the converted wetland. From a economic perspective, it would not be economically feasible for a person to take such an approach in hopes of obtaining FmHA funding if such funding is not possible until ten years into the future. Consequently, after ten years there is no longer a nexus between the conversion and the use of FmHA proceeds for FmHA to determine that the proceeds of the loan are being used for a purpose that contributes to conversion of a wetland for agricultural production. An alternative to the above definition was considered which would cover only those proceeds used for costs directly associated with the conversion of the wetland or the plowing of the highly erodible land. This second alternative was not adopted because it provides too limited an approach in meeting the legislation's purpose of reducing the conversion of wetland and the cultivation of highly erodible land

when accommodated by USDA financial assistance programs. Furthermore, the selected approach makes FmHA's implementation procedures more consistent with those of the other affected USDA agencies.

Conforming changes to the Farmer Program loanmaking regulations are also being made to insure that the requirements found in Exhibit M are considered before such loans are approved or guaranteed.

List of Subjects

7 CFR Part 12

Highly erodible land, Wetland, Conservation, Price support programs, Federal crop insurance, Farmers Home Administration loans, Incorporation, Loan programs—Agriculture, Environmental protection.

7 CFR Part 1940

Endangered and threatened wildlife, Environmental protection, Floodplains, National wild and scenic river system, Natural resources, Recreation, Water supply.

7 CFR Part 1941

Crops, Livestock, Loan programs—Agriculture, Rural areas, Youth.

7 CFR Part 1943

Credit, Loan programs—Agriculture, Recreation, Water resources.

7 CFR Part 1945

Agriculture, Disaster assistance, Loan programs—Agriculture.

7 CFR Part 1980

Agriculture, Loan programs—Agriculture.

Accordingly, the regulations of Subtitle A and Chapter XVIII of Title 7 of the Code of Federal Regulations are amended as follows:

Subtitle A—Office of the Secretary of Agriculture

1. Subtitle A—Office of the Secretary of Agriculture is amended by adding a new Part 12, Highly Erodible Land and Wetland Conservation, as follows:

PART 12—HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION

Supart A—General Provisions

Authority: Secs. 1201–1223, 1241–1244 of Pub. L. 99–198 (99 Stat. 1504 *et seq.;* 16 U.S.C. 3801–3823, 3841–3844).

Subpart A—General Provisions

§ 12.1 General.

(a) This part sets forth the terms and conditions under which a person, who, after December 23, 1985, produces an agricultural commodity on highly erodible land or converted wetland, shall be determined to be ineligible for certain benefits provided by the U.S. Department of Agriculture.

(b) The purposes of the provisions of this part are to remove certain incentives for persons to produce agricultural commodities on highly erodible land or converted wetland and to thereby—

(1) Reduce soil loss due to wind and water erosion;

(2) Protect the Nation's long term capability to produce food and fiber;

(3) Reduce sedimentation and improve water quality;

(4) Assist in preserving the Nation's wetlands; and

(5) Curb production of surplus commodities.

§ 12.2 Definitions.

(a) The following definitions shall be applicable for the purposes of this part:

(1) "Agricultural commodity" means any crop planted and produced by annual tilling of the soil or on an annual basis by one-trip planters or sugarcane planted or produced in a State;

(2) "ASCS" means the Agricultural Stabilization and Conservation Service, an agency of the U.S. Department of Agriculture which is generally responsible for administering commodity production adjustment and certain conservation programs of the Department;

(3) "Conservation District (CD)" means a subdivision of a State organized pursuant to the applicable State Soil Conservation District Law;

(4) "Conservation plan" means the plan describing the conservation system which must be or has been established on highly erodible cropland in order to control erosion on such land;

(5) "Conservation system" means the part of a cropland resource management system for a field or group of fields that provides for cost efficient and practical erosion reduction based upon the standards set forth in the SCS field office technical guide. A conservation system may include single practices or a combination of practices;

(6) "Converted wetland" means wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose or to have the effect of making the production of an agricultural commodity possible if: (i) Such production would not have been possible but for such action; and (ii) before such action (A) such land was wetland; and (B) such land was neither highly erodible land nor highly erodible cropland;

(7) "CCC" means the Commodity Credit Corporation, a wholly-owned government corporation within the U.S. Department of Agriculture organized under the provisions of 15 U.S.C. 714 *et seq.*;

(8) "Department" means the U.S. Department of Agriculture;

(9) "FmHA" means the Farmers Home Administration, an agency of the U.S. Department of Agriculture which is generally responsible for providing farm loans and loan guarantees under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*) and other laws;

(10) "FCIC" means the Federal Crop Insurance Corporation, a wholly-owned government corporation within the U.S. Department of Agriculture organized under the provisions of 7 U.S.C. 1501 *et seq.*;

(11) "Field" means a part of a farm which is separated from the balance of the farm by permanent boundaries such as fences, roads, permanent waterways, woodlands or croplines in cases where farming practices make it probable that such cropline is not subject to change, or other similar features;

(12) "Highly erodible land" means land that, if used to produce an agricultural commodity, would have an excessive average annual rate of soil erosion as determined through

application of factors from the universal soil loss equation and the wind erosion equation, including factors for climate, soil erodibility, and field slope;

(13) "Hydric soils" means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation;

(14) "Hydrophytic vegetation" means a plant growing in—

(i) Water; or

(ii) A substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content;

(15) "Landlord" means a person who rents or leases farmland to another person;

(16) "Local ASCS office" means the county office of the Agriculture Stabilization and Conservation Service serving the county or a combination of counties in the area in which the producer's land is located for administration purposes;

(17) "Operator" means the person who is in general control of the farming operations on the farm during the crop year;

(18) "Owner" means a person who has legal ownership of farmland including a person who is purchasing farmland under contract;

(19) "Person" means an individual, partnership, association, corporation, cooperative, estate, trust, joint venture, joint operation, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof and such person's affiliates as provided in § 12.11 of this part;

(20) "Producer" means a person who, as owner, landlord, tenant or sharecropper, is entitled to share in the crop available for marketing from the farm or in the proceeds thereof;

(21) "Secretary" means the Secretary of the U.S. Department of Agriculture;

(22) "Sharecropper" means a producer who performs work in connection with the production of a crop under the supervision of the operator and who receives a share of such crop for such labor;

(23) "SCS" means the Soil Conservation Service, a technical conservation agency within the U.S. Department of Agriculture which is generally responsible for providing technical assistance in matters of soil and water conservation and for administering certain conservation programs of the Department;

(24) "Soil map unit" means an area of the landscape shown on a soil map which consists of one or more soils;

(25) "Tenant" means a person usually called a "cash tenant", "fixed-rent tenant", or "standing rent tenant" who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent; or a person (other than a sharecropper) usually called a "share tenant" who rents land from another person and pays as rent a share of the crops or proceeds therefrom. A tenant shall not be considered the farm operator if the tenant does not have control of the farm operation; and

(26) "Wetland," except when such term is part of the term "converted wetland," means land that has a predominance of hydric soils and that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances does support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(b) In the regulations in this part and in all instructions, forms, and documents in connection therewith, all other words and phrases specifically relating to ASCS operations shall, unless the context of subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitutions of farms, allotments and bases (7 CFR Part 719).

§ 12.3 Applicability.

The provisions of this part shall apply to private land, Indian tribal land, and State or local government owned land in the 50 States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

§ 12.4 Determination of ineligibility.

(a) Except as provided in § 12.5, any person who, after December 23, 1985, produces an agricultural commodity on a field in which highly erodible land is predominant or on converted wetland shall be ineligible:

(1) As to any commodity produced on any land during that crop year by such person:

(i) For any type of price support or payment made available under the Agricultural Act of 1949, the CCC Charter Act, or any other Act;

(ii) For a farm storage facility loan made under section 4(h) of the CCC Charter Act;

(iii) For any disaster payments made under the Agricultural Act of 1949;

(iv) For crop insurance under the Federal Crop Insurance Act;

(v) For a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act or any other provision of law administered by the FmHA, if FmHA determines that the proceeds of such loan will be used for a purpose that will contribute to excessive erosion of highly erodible land or to conversion of wetland for agricultural production; or

(2) For a payment made under section 4 or 5 of the CCC Charter Act during such crop year for the storage of an agricultural commodity owned by CCC.

(b) A person shall be determined to have produced an agricultural commodity on a field in which highly erodible land is predominant or on converted wetland if:

(1) SCS has determined either that—

(i) Highly erodible land is predominant in such field or

(ii) The land is converted wetland;

(2) ASCS has determined that the person, as owner, landlord, tenant or sharecropper, is entitled to share in the crops available for marketing from the land, or in the proceeds thereof; and

(3) ASCS has determined that the land is planted to an agricultural commodity or was planted to an agricultural commodity during the year for which the person is requesting benefits.

§ 12.5 Exemptions.

(a) During the period beginning on December 23, 1985, and ending on the later of January 1, 1990, or the date that is two years after the date land on which a crop of an agricultural commodity is produced was mapped by the SCS for purposes of classifying such land as highly erodible, and except as provided in paragraph (b) of this section, no person shall be determined to be ineligible for benefits in accordance with this part as the result of the production of a crop of an agricultural commodity on any highly erodible land:

(1) That was planted to an agricultural commodity in any year 1981 through 1985; or

(2) That was set aside, diverted or otherwise not cultivated under a program administered by the Secretary for any such crops to reduce production of an agricultural commodity.

(b) *Conservation plan.* (1) With respect to the production of an agricultural commodity on any land identified in paragraph (a) of this section, if, as of January 1, 1990, or the date that is 2 years after the date SCS has completed a soil survey for the farm, whichever is later, a person is actively applying a conservation plan based on the local SCS technical guide and approved by the CD, in consultation

with the local ASC committees and SCS acting on behalf of the Secretary, or by SCS acting on behalf of the Secretary, such person shall have until January 1, 1995, to fully comply with the plan without being determined to be ineligible for benefits in accordance with § 12.4 of this part.

(2) Except as provided in paragraph (b)(3) of this section, a conservation plan developed for the purposes of this paragraph and a conservation system developed for the purposes of paragraph (c) of this section must provide for the reduction of soil loss to a level not in excess of the soil loss tolerance level established for the soil that is the subject of the plan.

(3) A conservation plan developed for the purposes of this paragraph and a conservation system developed for the purposes of paragraph (c) of this section may provide for the reduction of soil loss to a level not in excess of two times the soil loss tolerance level established for the soil that is the subject of the plan if SCS determines, through the application of reasonable judgement of local professional soil conservationists and after consideration of the economic consequences in establishing requirements for measures to be included in conservation plans, that reduction of soil loss on such land to a lower level is impracticable.

(c) A person shall not be ineligible for program benefits in accordance with § 12.4(a), as the result of the production of a crop of an agricultural commodity which was:

(1) Planted before December 23, 1985;

(2) Planted during any crop year beginning before December 23, 1985;

(3) Produced on highly erodible land in an area:

(i) Under a conservation system that has been approved by the CD after the CD determined that the conservation system is in conformity with technical standards set forth in the SCS technical guide for such district; or

(ii) Not within a CD, under a conservation system determined by SCS acting for the Secretary to be adequate for the production of such agricultural commodity on highly erodible land; or

(4) Produced on highly erodible land in reliance on a determination by SCS that such land was not highly erodible land, except that this paragraph (c)(4) shall not apply to any agricultural commodity that was planted on any land after SCS determines that such land is highly erodible land, and the person is notified of such determinations.

(d) *Exemptions for converted wetland.* (1) A person shall not be determined to be ineligible for program benefits in accordance with § 12.4 as the result of the production of a crop of an agricultural commodity on:

(i) Converted wetland if the conversion of such wetland was commenced before December 23, 1985;

(ii) An artificial lake, pond or wetland created by excavating or diking non-wetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control;

(iii) A wet area created by a water delivery system, irrigation, irrigation system, or application of water for irrigation; or

(iv) Wetland on which production of an agricultural commodity is possible as a result of a natural condition, such as drought, and is possible without action by the producer that destroys a natural wetland characteristic; or

(v) Converted wetland if SCS has determined that the actions of the person with respect to the production of an agricultural commodity on the converted wetland, individually and in connection with all other similar actions authorized by the Secretary in the area, would have only a minimal impact on the hydrological and biological aspect of wetland.

(2) The conversion of a wetland will be considered to have been commenced before December 23, 1985, if, before December 23, 1985, earth moving for the purpose of draining the wetland was actually started, or the person applying for the benefits has legally and financially committed substantial funds by entering into a contract providing for earth moving, or otherwise, for the purpose of converting the wetland.

(e) The provisions of § 12.4(a) shall not apply to any loan as described in § 12.4(a) that was made before December 23, 1985.

(f) A person shall not be determined to be ineligible in accordance with the provisions of this part for any benefits listed in § 12.4(a) with respect to the production of a crop of a commodity which was planted during the period December 23, 1985, through June 27, 1986.

(g) *Landlords and tenants.* (1) Except as provided in paragraph (g)(2), the ineligibility of a tenant or sharecropper (as determined in accordance with § 12.4) for benefits shall not cause a landlord to be ineligible for benefits for which the landlord would otherwise be eligible with respect to commodities produced on lands other than those in which the tenant or sharecropper has an interest.

(2) Paragraph (g)(1) shall not be applicable to a landlord if the production of an agricultural commodity on highly erodible land or converted wetland by the landlord's tenant or sharecropper is required under the terms and conditions of the agreement between the landlord and such tenant or sharecropper and such agreement was entered into after December 23, 1985.

§ 12.6 Administration.

(a) A determination of ineligibility for benefits in accordance with the provisions of this part shall be made by the agency of the Department to which the person has applied for benefits. All determinations required to be made under the provisions of this part shall be made by the agency responsible for making such determinations, as provided in this section, and shall be binding on all other agencies of the Department.

(b) *Administration by ASCS.*

(1) The provisions of this part which are applicable to ASCS will be administered under the general supervision of the Administrator, ASCS, and shall be carried out in the field in part by State ASC committees (STC) and county ASC committees (COC).

(2) The Deputy Administrator, State and County Operations, ASCS (hereinafter referred to as the "Deputy Administrator") may determine any question arising under the provisions of this part which are applicable to ASCS and may reverse or modify any determination of eligibility with respect to programs administered by ASCS made by a STC or COC in connection with the provisions of this part.

(3) ASCS shall make the following determinations which are required to be made in accordance with this part:

(i) Whether a person is a producer on a particular field in accordance with § 12.4(b);

(ii) The establishment of field boundaries in accordance with § 12.2(a)(11);

(iii) Whether land was planted to an agricultural commodity in any of the years, 1981 through 1985, in accordance with § 12.5(a)(1);

(iv) Whether land was set aside, diverted or otherwise not cultivated under a program administered by the Secretary for any crop to reduce production of an agricultural commodity in accordance with § 12.5(a)(2);

(v) Whether the agricultural commodity planted on a particular field was planted before December 23, 1985, or during any crop year which began before December 23, 1985, in accordance with § 12.5(c) (1) and (2);

(vi) Whether the production of an agricultural commodity on highly

erodible land or converted wetland by a landlord's tenant or sharecropper is required under the terms and conditions of the agreement between the landlord and such tenant or sharecropper in accordance with § 12.5(g); and

(ii) Whether highly erodible land is predominant on a particular field in accordance with § 12.4(a);

(iii) Whether a person is actively applying a conservation plan that is based on the local SCS technical guide and which is approved by—

(A) The CD, in consultation with local ASC committees and SCS acting on behalf of the Secretary, or

(B) By SCS acting on behalf of the Secretary;

(iv) Whether a person is using a conservation system that has been approved by the CD in accordance with § 12.5(c)(3) of this part or, in an area not within a CD, a conservation system determined by the SCS be adequate for the production of a specific agricultural commodity on highly erodible land;

(v) Whether production of an agricultural commodity on a wetland is possible as a result of a temporary natural condition and is possible without action by the producer that destroys a natural wetland characteristic; and

(vi) Whether the actions of a person with respect to the production of an agricultural commodity on the converted wetland would have only a minimal impact on the hydrological and biological aspect of wetland.

(vii) Whether the conversion of a particular wetland was commenced before December 23, 1985 in accordance with § 12.5(d)(1)(i).

(4) A representative number of farms selected in accordance with instructions issued by the Deputy Administrator shall be inspected by an authorized representative of ASCS to determine to any requirement specified in this part as a prerequisite for obtaining program benefits.

(c) *Administration by SCS.*

(1) The provisions of this rule that are applicable to SCS shall be administered under the general supervision of the Chief of the SCS and carried out in the field by the state conservationist and district conservationist.

(2) SCS shall make the following determinations which are required to be made in accordance with this part:

(i) Whether land is highly erodible or is a wetland or a converted wetland in accordance with the provisions of this part;

(3) SCS will provide such other technical assistance in the implementation of the provisions of this part as is determined to be necessary.

(d) *Administration by FmHA.*

(1) The provisions of this part which are applicable to FmHA will be administered under the general supervision of the FmHA Administrator through FmHA's State, district, and county offices.

(2) FmHA shall determine whether the proceeds of any loan made, insured or guaranteed under any provision of law administered by FmHA will be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland as required in accordance with the provisions of this part.

(e) The provisions of this part which are applicable to FCIC will be administered under the general supervision of the Manager, FCIC.

§ 12.7 Certification.

(a) In order for a person to be determined to be eligible for any of the benefits specified in § 12.4—

(1) It must be determined, in consultation with SCS, whether any farm in which the person applying for the benefits has an interest as owner, operator, or producer contains highly erodible land, wetland or converted wetland if the conversion of such wetland occurred after December 23, 1985;

(2) The person applying for the benefits must certify (Form AD–1026 Highly Erodible Land and Wetland Conservation Certification) that such person will not produce an agricultural commodity on highly erodible land or converted wetland during the crop year in which the person is seeking such benefits, unless such production is exempt, in accordance with § 12.5 of this part, from the provisions of § 12.4 of this part;

(3) With respect to a request for a loan made, insured or guaranteed under any provision of law administered by the FmHA, the person applying for the loan must certify that such person shall not use the proceeds of the loan for a purpose that will contribute to excessive erosion of highly erodible land or to conversion of wetlands; and

(4) The person applying for the benefits must authorize any representative of the Department access to all land which such person owns or operates, or has an interest in for the purpose of verifying any such certification.

(b) Each agency of USDA shall make all certifications received by it and the results of investigations concerning such certifications available to other agencies.

(c) A certification made in accordance with this section does not relieve any person from compliance with the provisions of this part.

§ 12.8 Action based upon advice or action of Department.

The provisions of Part 790 of this Title, as amended, relating to performance based upon the action or advice of a COC or STC shall be applicable to the provisions of this part.

§ 12.9 Scheme or device.

All or any part of the benefits listed in § 12.4 otherwise due a person from the Department may be withheld or required to be refunded if the person adopts or participates in adopting any scheme or device designed to evade or which has the effect of evading the provisions of this part. Such acts shall include, but are not limited to, concealing from the Department any information having a bearing on the application of the provisions of this part or submitting false information to the Department or creating entities for the purpose of concealing the interest of a person in a farming operation or to otherwise avoid compliance with the provisions of this part.

§ 12.10 Appeals.

Any person who has been or would be denied program benefits in accordance with § 12.4 as the result of any determination made in accordance with the provisions of this part may obtain a review of such determination in accordance with the administrative appeal procedures of the agency which rendered such determination.

§ 12.11 Affiliated persons.

(a) For purposes of this part, the following persons are considered to be "affiliated" and, in addition the actions of such persons will be considered for the purposes specified in this part to be the actions of the person who has requested benefits from the Department:

(1) The spouse and minor child of such person and/or guardian of such child;

(2) Any corporation in which the person is a stockholder, shareholder, or owner of more than 20 per cent;

(3) Any partnership, joint venture, or other enterprise in which the person has an ownership interest or financial interest; and

(4) Any trust in which the person or any person listed in paragraphs (a) (1) through (3) of this section is a beneficiary or has a financial interest.

(b) If the person who has requested benefits from the Department is a corporation, partnership, or other joint venture, then, for purposes of applying paragraph (a), of this section, the person who has requested benefits from the

Department shall be considered to be such corporation, partnership, or other joint venture, and each individual owner, participant, or stockholder therein, except for persons with a 20 per cent or less share in a corporation.

Subpart B—Identification of Highly Erodible Land

§ 12.20 Responsibilities of Soil Conservation Service.

In implementing the provisions of this part, SCS shall, to the extent practicable:

(a) Develop and maintain criteria for identifying highly erodible lands;

(b) Prepare, and make available to the public, lists of highly erodible soil map units;

(c) Make soil surveys for purposes of identifying highly erodible land; and

(d) Provide technical guidance to conservation districts which must approve conservation plans and systems in consultation with local county ASC committees and SCS for the purposes of this part.

§ 12.21 Criteria for identifying highly erodible lands.

(a) Soil map units will be used as the basis for identifying highly erodible land. The erodibility of a soil is determined by dividing the potential average annual rate of erosion for each soil by the predetermined soil loss tolerance (T) value for the soil. The T value represents the maximum annual rate of soil erosion that could occur without causing a decline in long-term productivity.

(1) The potential average annual rate of sheet and rill erosion is estimated by multiplying the following factors of the Universal Soil Loss Equation (USLE):

(i) Rainfall and runoff (R),

(ii) The degree to which the soil resists water erosion (K), and

(iii) The function (LS), which includes the effects of slope length (L) and steepness (S).

(2) The potential average annual rate of wind erosion is estimated by multiplying the following factors of the Wind Erosion Equation (WEQ): Climatic characterization of windspeed and surface soil moisture (C) and the degree to which soil resists wind erosion (I).

(3) The USLE is explained in U.S. Department of Agriculture Handbook 537, "Predicting Rainfall Erosion Losses." The WEQ is explained in Argiculture Handbook 346, "Wind Erosion forces in the United States and Their Use in Predicting Soil Loss." Values for all the factors used in these equations are contained in the SCS field office technical guide and the references which are a part of the guide.

(b) A soil map unit subject to significant erosion by water or by wind, but not both, shall be determined to be highly erodible if either the RKLS/T *or* the CI/T value equals or exceeds 8.

(c) Whenever a soil map unit description contains a range of slope length and steepness characteristics that produce a range of LS values which result in RKLS/T quotients both above and below 8, the soil map unit will be entered on the list of highly erodible soil map units as "potentially highly erodible." The final determination of erodibility for an individual field containing these soil map unit delineations is made by an on-site investigation.

§ 12.22 Field application of highly erodible map units.

(a) Highly erodible land shall be considered to be predominant on a field if:

(1) 33.33 percent or more of the total acreage is identified as soil map units which are highly erodible; or

(2) 50 or more acres in such field is identified as soil map units which are highly erodible.

(b) A person may request the modification of field boundaries for the purpose of excluding highly erodible land from a field. Such a request must be submitted to, and is subject to the approval of ASCS.

(c) Small areas of noncropland, such as abandoned farmsteads, areas around filled or capped wells, rock piles, trees, or brush, which shall be included in existing fields which meet the requirements of § 12.5(a) shall be considered to meet the requirements of §12.5(a).

§ 12.23 Reconsiderations and Appeals.

A producer may request a reconsideration of any determination rendered by SCS in accordance with the provisions of this part and may appeal any determination rendered by SCS after such reconsideration in accordance with the Reconsideration and Appeal Procedures Regulations of SCS (7 CFR Part 614).

Subpart C —Wetland Conservation

§ 12.30 Responsibilities of Soil Conservation Service.

In carrying out the provisions of this part, SCS shall, to the extent practicable.

(a) Make available to the public an approved county list of hydric soil map units, based upon the National List of Hydric Soils;

(b) Maintain a list of hydrophytic vegetation derived from the National List of Plant Species That Occur in Wetlands;

(c) Consult with the Fish and Wildlife Service on determinations of minimal effect made pursuant to § 12.5(d)(1)(v);

(d) Consult with the Fish and Wildlife Service on other matters concerning wetland and converted wetland;

(e) Provide national leadership in the development and application of criteria to identify hydric soils in consultation with the National Technical Committee for Hydric Soils; and

(f) Consult with the U.S. Fish and Wildlife Service in developing the National List of Plant Species that Occur in Wetlands and in providing guidance in applying the lists of hydric soils and plant species in matters concerning wetland and converted wetland.

§ 12.31 Criteria for identification of wetland.

(a) *Hydric Soils.* (1) SCS shall identify hydric soils through the use of published soil maps which reflect soil surveys completed by SCS. If a published soil map is unavailable for a given area, SCS may use unpublished soil maps which were made according to the specifications of the National Cooperative Soil Survey or may conduct an on-site evaluation of the land.

(2) In accordance with § 12.2(a)(26) of this part, SCS shall determine whether an area of land has a predominance of hydric soils, as follows:

(i) If a soil map unit has hydric soil as part of its name, that portions of the soil map unit related to the hydric soil shall be determined to have a predominance of hydric soils;

(ii) If a soil map unit is named for miscellaneous area that meets the criteria for hydric soils (i.e., riverwash, playas, beaches, or water) the soil map unit shall be determined to have a predominance of hydric soils; or

(iii) If a soil map contains inclusions of hydric soils, potentially wet miscellaneous areas, or other potentially wet areas as specifically identified in the description accompanying that soil map unit, that portion of the soil map unit shall be determined to have a predominance of hydric soils.

(3) *List of hydric soils.* (i) Hydric soils are those soils which meet criteria set forth in the publication "Hydric Soils of the United States 1985" which was developed by the National Technical Committee for Hydric Soils and which is incorporated by reference. It may be obtained upon request by writing the Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, DC 20013. It is also available for inspection at the Office of

the Federal Register Information Center, Room 8301, 1100 L Street, NW., Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register on June 24, 1986. The materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the **Federal Register.**

(ii) An official list of hydric soil map units shall be maintained at the local SCS office and shall include—

(A) All soils from the National List of Hydric Soils that can be found in that field office area, and

(B) Any soil map units or areas which the State conservationist determines to meet such hydric soil criteria.

(iii) Any deletions of a hydric soil unit from the hydric soil map unit list must be made according to the established procedure contained in the publication "Hydric Soils of the United States 1985" for adding or deleting soils from the National List of Hydric Soils.

(b) Hydrophytic vegetation consists of plants growing in water or a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(1) A plant shall be considered to be a plant species that occurs in wetland if such plant is listed in the National List of Plant Species That Occur on Wetland. It may be obtained upon request from the U.S. Fish & Wildlife Service, National Wetland Inventory, Monroe Bldg. Suite 101, 9720 Executive Center Drive, Saint Petersburg, Florida 33702.

(2) In accordance with § 12.2(a)(26) of this part, land shall be determined to have a prevalence of hydrophytic vegetation if:

(i) SCS determines through the use of the formula specified in paragraph (b)(3) of this section that a prevalence of hydrophytic vegetation exists on such land; or

(ii) In the event the vegetation on such land has been altered prior to an on-site evaluation, SCS determines that a prevalence of hydrophytic vegetation typically exists on the same hydric map unit in the local area.

(3) Formula for determination of prevalence of hydrophytic vegetation.

(i) *Plant classification*—The National List of Plant Species that Occur in Wetlands classifies vascular plant species found in the United States and Puerto Rico into five indicator groups based upon their requirements for wetland conditions. Obligate species are expected to occur in wetlands more than 99 percent of the time; facultative wet species, 66–99 percent of the time; facultative species, 33–66 percent of the time, facultative upland species, 1–33 percent of the time; and upland species, less than 1 percent of the time.

(ii) *Ecological indices*—The following ecological index values have been assigned the plant indicator groups for use in the formula to determine prevalence:

Indicator group	*Ecological index*
Obligate	1
Faculative wet	2
Faculative	3
Faculative upland	4
Upland	[1] 5

[1] All plants not on the National List of Plant Species That Occur in Wetlands.

(iii) *Specific criteria*—If the area in question has met the criteria for hydric soils, SCS will use line transacts to sample the frequency of occurrence of all plants within the community identified by indicator group to arrive at a prevalence index to indicate whether or not a prevalence of hydrophytic vegetation exists.

(iv) (A) The following formula shall be used to calculate the prevalence index, where:

PI = Prevalence Index.

F = Frequency of Occurrence of Plant Species.

n(1-5) = Ecological Index Values for Indicator Groups.

$$PI = \frac{(1 \times \Sigma F_1) + (2 \times \Sigma F_2) + (3 \times \Sigma F_3) + (4 \times \Sigma F_4) + (5 \times \Sigma F_5)}{\Sigma (F_1 + F_2 + F_3 + F_4 + F_5)}$$

(B) A mean prevalence index (PI) value of less than 3.0 shall indicate that the area exhibits a pevalence of hydrophytic vegetation.

(c) *Artifical wetlands.* (1) A wetland shall be considered to be an artificial wetland in accordance with § 12.5(d)(1)(ii) of this part if such wetland meets the criteria for classification as a wetland as set forth in this part, but would not meet such criteria if the area was in its natural, undrained state.

(2) Wetlands which are created in order to mitigate the loss of other wetlands as a result of irrigation or flood control projects shall not be considered to be artificial wetlands for the purposes of § 12.5(d)(1) (ii) and (iii) of this part.

(d) SCS, in consultation with the Fish and Wildlife Service, U.S. Department of the Interior, shall determine whether the effect of any action of a person associated with the production of an agricultural commodity on converted wetland on the hydrological and biological aspect of wetland is minimal in accordance with § 12.5(d)(1)(v) of this part. Such determination shall be based upon an environmental evaluation analyzing the effect of the action on the maintenance of wetland values and upon an on-site evaluation. In most situations, such determinations will be made prior to the beginning of activities that would convert the wetland. If a person has converted a wetland and subsequently seeks a determination that the effect of such conversion on wetland was minimal, the burden will be upon the person to demonstrate to the satisfaction of SCS that the effect was minimal.

§ 12.32 Criteria for identification of converted wetland.

(a) For the purpose of determining whether land is a converted wetland in accordance with § 12.2(a)(6) of this part, a wetland shall be determined to have been drained, dredged, filled, leveled, or otherwise manipulated for the purpose or to have the effect of making the production of an agricultural commodity possible if the producer or any of the producer's predecessors in interest caused or permitted:

(1) The removal of one or more of the hydric soils criteria of such wetland; or

(2) The removal or destruction of hydrophytic vegetation on such wetland and a prevalence of hydrophytic vegetation is determined to exist on the same hydric soil map unit in the local area.

(b) A wetland shall not be considered to be converted if—

(1) Production of an agricultural commodity on such land is possible as a

result of a natural condition, such as drought, and

(2) It is determined that such production is not assisted by the action of the person producing such agricultural commodity that alters or destroys natural wetland characteristics. The temporary destruction of hydrophytic vegetation (except trees) as a result of the production of an agricultural commodity shall not be considered as altering or destroying natural wetland characteristic if such vegetation can and is allowed to return following cessation of the natural condition which made production of the agricultural commodity possible.

§ 12.33 Wetland determination procedures.

(a) A producer may obtain a wetland determination by making a written request to the SCS district conservationist. The determinations will be made in writing, and a copy will be provided to the producer.

(b) *Office determination.* (1) A determination of whether or not an area meets wetland criteria may be made by the district conservationist based upon existing records or other information and without the need for an on-site determination. If the person does not agree with the determination made by the district conservationist a determination shall be made based on an on-site evaluation.

(2) The office determination shall, if practicable, be made within 15 calendar days after receipt of the written request.

(c) *On-site determination.* (1) An on-site determination as to whether an area meets wetland criteria shall be made by the district conservationist if—

(i) Access to the property is provided, and

(ii) The person has disagreed with office determination made under paragraph (b) of this section, or

(iii) Adequate information is not available to the district conservationist to support an office determination.

(2) The on-site determination will be made as soon as possible, but no later than 60 calendar days following a request unless site conditions are unfavorable for the evaluation of predominance of hydric soils or prevalence of hydrophytic vegetation, in which case the time period may be extended by the district conservationist until such time as site conditions permit an adequate evaluation.

(3) If an area is continuously inundated or saturated for long periods of time to such an entent that access by foot to make a determination of predominance of hydric soils or prevalence of hydrophytic vegetation is not feasible, the ares will be considered to be a wetland.

(d) A producer may request a reconsideration of any determination rendered by SCS in accordance with this part and may appeal any determination rendered by SCS after such reconsideration in accordance with the Reconsideration and Appeal Procedures Regualations of SCS (7 CFR Part 614).

PART 1940—GENERAL

2. The authority citation for Part 1940 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

3. Section 1940.301 is amended by adding paragraph (c)(18) to read as follows:

§ 1940.301 Purpose.

* * * * *

(c) * * *

(18) Title 7, Part 12, Code of Federal Regulations, Highly Erodible Land and Wetland Conservation

* * * * *

4. Section 1940.304 is amended by revising paragraph (a)(1) to read as follows:

§ 1940.304 Special policy.

(a) * * *

(1) FmHA recognizes that its specfiic mission of assisting rural areas, composed of farms and rural towns, goes hand-in-hand with protecting the environmental resources upon which these systems are dependent. Basic resources necessary to both farm and rural settlements include important farmlands and forestlands, prime rangelands, wetlands, and floodplains. The definitions of these areas are contained in the Appendix to Departmental Regulation 9500–3, Land Use Policy, which is included as Exhibit A. For assistance in locating and defining floodplains and wetlands, the locations and telephone numbers of the Federal Emergency Management Administration's regional offices have been included as Exhibit J, and similar information for the U.S. Fish and Wildlife Service's Wetland Coordinators has been included as Exhibit K. Given the important of these resources, as emphasized in the Departmental Regulation, Executive Order 11988, "Floodplain Management," and Executive Order 11990, "Protection of Wetlands," it is FmHA's policy not to approve or fund any proposals that, as a result of their identifiable impacts, direct or indirect, would lead to or accommodate either the conversion of these land uses or encroachment upon them. The only exception to this policy is if the approving official determines that—

(i) There is no practicable alternative to the proposed action,

(ii) The proposal conforms to the planning criteria identified in paragraph (a)(2) of this section, and

(iii) The proposal includes all practicable measures for reducing the adverse impacts and the amount of conversion/encroachment.

For Farmer Program loans and guarantees, see Exhibit M of this subpart for additional requirements regarding wetland and highly erodible land conservation.

* * * * *

5. Section 1940.310 is amended by revising paragraph (e)(2) to read as follows:

§ 1940.310 Categorical exclusions from National Environmental Policy Act (NEPA) reviews.

* * * * *

(e) * * *

(2) Loan-closing and servicing activities, transfers, assumptions, subordinations, and amendments and revisions to approved projects, including the provision of additional financial assistance for actions other than those covered by Exhibit M of this subpart, that do not alter the purpose, operation, location, or design of the project as originally approved;

* * * * *

6. Exhibit C is amended by revising paragraphs 1. and 2.a.(3) to read as follows:

Exhibit C—Implementation Procedures for the Farmland Protection Policy Act; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and Departmental Regulation 9500–3, Land Use Policy

1. *Background.* The Subtitle I of the Agriculture and Food Act of 1981, Pub. L. 97-98, created the Farmland Protection Policy Act. The Act requires the consideration of alternatives when an applicant's proposal would result in the conversion of important farmland to nonagricultural uses. The Act also requires that Federal programs, to the extent practicable, be compatible with State, local government, and private programs and policies to protect Farmland. The Departmental Regulation 9500–3, Land Use Policy, also requires the consideration of alternatives but is much broader than the Act in that it addresses the conversion of land resources other than farmland. The Departmental Regulation is included as Exhibit A to this Subpart. For additional requirements that apply to some Farmer Program loans and guarantees and that cover the conservation of wetlands and highly erodible land, see Exhibit M of this subpart.

2. * * *

a. * * *

(3) *Wetlands*—There is no central data source or inventory for determining the location of wetlands. Many government agencies are in the process of completing wetland surveys. The U.S. Fish and Wildlife Service (FWS) is presently preparing the National Wetlands Inventory. Each FWS regional office has a staff member called a Wetland Coordinator. These individuals can provide updated information concerning existing State and local wetland surveys and Federal inventories. Exhibit K contains a listing of Wetland Coordinators arranged by FWS regional office and geographical area of jurisdiction. If the proposed project area has not been inventoried, information is available from other sources. Topographic maps prepared by USGS often depict the general existence of wetlands. A site visit can disclose evidence of vegetation typically associated with wetland areas. Also, the assistance of SCS field staff in reviewing the site can often be the most effective means. Because of the unique wetland definition used in Exhibit M of this subpart, SCS wetland determinations are required for implementing the wetland conservation requirements of that Exhibit.

* * * * *

7. Exhibit M is added to read as follows:

Exhibit M—Farmer Program Implementation Procedures for the Conservation of Wetlands and Highly Erodible Land

[FmHA Instruction 1940–G]

1. *Background.* This exhibit implements the requirements of Subtitle B, Highly Erodible Land Conservation, and Subtitle C, Wetland Conservation of Title XII of the Food Security Act of 1985, Pub. L. 99–198. The purposes of these Subtitles are to: Reduce soil loss due to wind and water erosion; protect the Nation's long term capability to produce food and fiber; reduce sedimentation; improve water quality; assist in preserving the Nation's wetlands; create better habitat for fish and wildlife through improved food and cover; and curb production of surplus commodities by removing certain incentives for persons to produce agricultural commodities on highly erodible land or converted wetland.

2. *Applicability.* The provisions of this exhibit apply to insured and guaranteed Farmer Program loans. For the purpose of this subpart "Farmer Program loans" means Farm Operating Loans, Farm Ownership Loans, Emergency, and Soil and Water Loans. As used in this exhibit, the word loan is meant to include guarantee as well. Applicant means an applicant for either an insured or guaranteed loan and borrower means a recipient of either an insured or guaranteed loan.

3. *FmHA prohibited activities.* Unless otherwise exempted by the provisions of this exhibit, the proceeds of any Farmer Program loan made or guaranteed by FmHA will not be used either: (a) For a purpose that will contribute to excessive erosion of highly erodible land, or (b) for a purpose that will contribute to conversion of wetlands to produce an agricultural commodity. (See § 12.2(a)(1) of Subpart A of Part 12 of this chapter, which is Attachment 1 of this exhibit and is available in any FmHA office, for the definition of an agricultural commodity.) Consequently, any applicant proposing to use loan proceeds for an activity contributing to either such purpose, will not be eligible for the requested loan. Any borrower that uses loan proceeds in a manner that contributes to either such purpose will be in default on the loan.

a. *U.S. Department of Agriculture (USDA) definitions.*

In implementing this exhibit, FmHA will use the USDA's definitions of the terms found at § 12.2 of Subpart A of Part 12 of this chapter (Attachment 1 of this exhibit which is available in any FmHA office).

b. *Highly erodible land conservation.*

FmHA will conclude that excessive erosion of highly erodible land results or would result whenever: (1) A field on which highly erodible land is predominant, as determined by the Soil Conservation Service (SCS), is or would be used to produce an agricultural commodity without conformance to a conservation system approved by SCS, and (2) such field is not exempt from the provisions of this exhibit.

c. *Wetland conservation.*

FmHA will conclude that a conversion of wetlands to produce an agricultural commodity has occurred or will occur whenever, as determined by SCS: (1) A wetland has been or will be drained, dredged, filled, leveled, or otherwise manipulated (including any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose or to have the effect of making the production of an agricultural commodity possible, and (2) neither the affected wetland nor the activity affecting the wetland is exempt from the provisions of this exhibit.

d. *Use of loan proceeds.*

To use loan proceeds for a purpose that contributes to either the excessive erosion of highly erodible land or the conversion of wetlands to produce an agricultural commodity means that loan proceeds will or have been used in a way that contributes to either excessive erosion of highly erodible land or the conversion of wetlands to produce an agricultural commodity by paying the costs of any of the following:

(1) The purchase of the affected land;

(2) Necessary planning, feasibility, or design studies;

(3) Obtaining any necessary permits;

(4) The purchase, contract, lease or renting of any equipment or materials necessary to carry out the land modification or conversion to include all associated operational costs such as fuel and equipment maintenance costs;

(5) Any labor costs;

(6) Within the crop year in which the wetland conversion was completed plus the next ten crop years thereafter, the planting, cultivating, harvesting, or marketing of any agricultural commodity produced on the affected land to include any associated operational or materials costs such as fuel, seed, fertilizer and pesticide costs; or

(7) For the same time period as in subparagraph 3d(6) above, any costs associated with using for on-farm purposes an agricultural commodity grown on the affected land.

(8) Additionally, if loan proceeds will be or have been substituted to pay other costs so that non-loan funds can be used to pay any of the above costs, it is deemed that loan proceeds will be or have been used for a purpose that contributes to the prohibited activities described in this paragraph.

4. *Prohibited activities under other USDA financial assistance programs.* Unless otherwise exempted, a person becomes ineligible for a variety of USDA financial assistance programs if that person produces in any crop year an agricultural commodity on either a field on which highly erodible land is predominant or a converted wetland. This ineligibility extends to any commodity produced during the crop year that the prohibited action occurs. The programs for which the person would be ineligible include price support payments, farm storage facility loans, disaster payments, crop insurance, payments made for the storage of an agricultural commodity, and payments received under a Conservation Reserve Program Contract. Farmer Program applicants and borrowers, therefore, can be affected not only by the FmHA prohibited activities but also by the broad USDA sweep of the Subtitle B and C restrictions. Should a Farmer Program applicant rely or plan to rely on any of these other USDA financial assistance programs as a source of funds to repay its FmHA loan(s) and then fail to meet the other program(s)' eligibility criteria related to wetland or highly erodible land conservation, repayment ability to FmHA or the lender of an FmHA guaranteed loan may be jeapordized. Consequently, those applicants who are applying for a loan and those borrowers who receive a loan after the effective date of Subtitles B and C, as designated in Part 12 of this chapter, and who include in their projected sources of repayment, potential funds from any USDA program subject to some form of Subtitle B or C restrictions will have to demonstrate as part of their applications, and for borrowers, as part of their farm plan of operation, their ability to meet the other program(s)' eligibility criteria. Failure to meet the criteria will require the applicant or borrower either to document an alternative, equivalent source of revenues or, if possible, agree to undertake any steps necessary to gain eligibility for the other program(s). See paragraph 6 of this exhibit for a discussion of such steps.

5. *Applicant's responsibilities.*

a. *Required information.* Every applicant for a Farmer Program loan will be required to provide the following information and, as applicable, certification as part of the application for financial assistance. An application will not be considered to be complete until this information and certification are provided to FmHA. Once an applicant has provided FmHA with information from SCS on the presence of any highly erodible land, wetland, or converted wetland this information need not be provided again for a subsequent loan unless there is either a change in the property upon which FmHA loan proceeds will be applied

or a change in the previous information, such as a change in the status of an exemption. There is a continuing responsibility on FmHA borrowers using other USDA financial assistance programs for repayment purposes to provide the County Supervisor with an executed copy of any similar certification required by the other USDA agency at the time of each required certification.

(1) A statement from the SCS indicating whether or not the applicant's farm property or properties contain either highly erodible land, wetland, or converted wetland and, if so, whether or not the applicant qualifies for a particular exemption to the provisions of this exhibit and as further detailed in paragraph 10 below. The property or properties will be listed and described in accordance with the Agriculture Stabilization and Conservation Service's (ASCS) farm records system. SCS's execution of its Form CPA–26, "Highly Erodible Land and Wetland Conservation Determination," is necessary to meet this information requirement.

(2) If either highly erodible land, wetland, or converted wetland is present, the applicant's properly executed original or carbon copy of Form AD–1026, "Highly Erodible Land and Wetland Conservation Certification."

b. *Required actions.*

If at any time during the application review process any of the information or basis for an applicant's certification changes, the applicant (or the lender in the case of a guaranteed loan) must immediately notify FmHA. If an applicant intends to produce an agricultural commodity on a nonexempt field on which highly erodible land is predominant, the applicant must develop an SCS approved conservation system, demonstrate that it is or will be in compliance with the system at the time the field is to be used, and provide SCS's concurrence with this position.

6. *FmHA's application review.* The FmHA County Supervisor will review the information provided by the applicant from SCS regarding the presence of any highly erodible land, wetland, or converted wetland and any possible exemptions and take the actions warranted by the presence of one or more of the circumstances described below. In carrying out these actions, FmHA will consider the technical decisions rendered by the SCS and the ASCS, as assigned to these agencies by Subparts A, B, and C of Part 12 of this chapter and further explained in this exhibit, to be final and controlling in the remaining FmHA decisionmaking process for this exhibit. See paragraph 11 of this exhibit for the applicant's (and lender's, in the case of a guaranteed loan) appeal rights regarding decisions rendered by ASCS and SCS. It must also be understood that the definition of a wetland used by SCS in implementing this exhibit applies only to this exhibit and not to other wetland protection provisions of this subpart.

a. *No highly erodible land, wetland, or converted wetland present.*

The requested loan can be approved under the provisions of this exhibit and, except for documenting this result, no further action is required.

b. *Converted wetland present.*

The County Supervisor will consult with the applicant (and lender, in the case of a guaranteed loan) and the appropriate local office of the ASCS in order to determine if the converted wetland qualifies for the exemption specified in subparagraph (c)(1) of paragraph 10 of this exhibit. If so, no further action is necessary with respect to the converted wetland except for documenting the result. If the converted wetland does not qualify for an exemption, the County Supervisor will complete one or both of the following steps as the identified circumstances dictate.

(1) Step one. Review both the date that the wetland was converted and the proposed use of loan proceeds in order to determine if loan proceeds will be used for a prohibited activity as defined in subparagraph (d) (6) or (7) of paragraph 3 of this exhibit. If not, the County Supervisor will so document this and complete step two immediately below. If yes, the applicant (and lender, in the case of a guaranteed loan) will be advised of the applicant's ineligibility for the FmHA loan being requested. The applicant (and lender, in the case of a guaranteed loan) will be advised of any modifications to the application that could cure the ineligibility. Not growing an agricultural commodity on the converted wetland would cure the ineligibility, but the substitution of non-FmHA funds to grow an agricultural commodity on the converted wetland would not.

(2) Step two. The County Supervisor will review the applicant's sources of loan repayment to determine if they include funds from a USDA financial assistance program(s) subject to wetland conservation restrictions. If so, the County Supervisor will implement the actions in subparagraph d of this paragraph.

c. *Highly erodible land or wetland present.*

The County Supervisor will discuss with the applicant (and lender, in the case of a guaranteed loan) and review the intended uses of the FmHA loan proceeds as evidenced in any relevant applicant materials.

(1) *Proceeds to be used for prohibited activity.* If proceeds would be used for a prohibited activity, the applicant (and lender, in the case of a guaranteed loan) will be advised of its ineligibility for the FmHA loan. The applicant (and lender, in the case of a guaranteed loan) will be informed of any modifications to its application that could cure the ineligibility, including financially contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M."

(c) For a guaranteed loan, insert a condition on the conditional commitment (either Form FmHA 449–14, "Conditional Commitment for Contract of Guarantee," or Form FmHA 1980–15, "Conditional Commitment for Contract of Guarantee (Line of Credit)," as applicable) requiring the lender to state in the loan instruments that the loan will be in default should any proceeds of the loan be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity.

(d) Review the term of the proposed loan and take the following actions, as applicable.

(i) *Loan term exceeds January 1, 1990, but not January 1, 1995.* If the term of the proposed loan expires within this period and the applicant intends to produce an agricultural commodity on highly erodible land that is exempt from the restrictions of this exhibit until either 1990 or two years after the SCS has completed a soil survey for the borrower's land, whichever is later, the County Supervisor will determine if it is financially feasible to include in the loan a condition that requires the borrower to demonstrate, prior to loss of the exemption, that the borrower is actively applying an SCS approved conservation plan. This condition will be inserted only if, prior to loan approval, the applicant, the lender, (if a guaranteed loan is involved), FmHA and SCS resolve any doubts as to what extent production would be able to continue under application of a conservation system and as to the financial implications on loan repayment ability from both the potential costs of the conservation system and the potential loss of revenues from any reduced acreage production base. If in making this determination, loan repayment ability cannot be demonstrated, FmHA will deny the loan application. If loan repayment ability can be demonstrated and an insured loan is approved, the County Supervisor will insert in Form FmHA 1940–17 the addendum set forth in subparagraph c(2)(b)(i) of this paragraph and the following indented additional language after the last sentence of that addendum: feasible eligible loan purposes that could be helpful in implementing a conservation plan, should the latter be an appropriate cure. Substitution of non-FmHA monies to accomplish the prohibited activity would not cure the ineligibility, but actual elimination of the activity from the applicant's farm plan of operation would.

(2) *Proceeds not to be used for a prohibited activity.* If loan proceeds are not planned to be used for a prohibited activity, the County Supervisor will perform the following tasks:

(a) Document the above determination in the applicant's file as specified in paragraph 7 of this exhibit.

(b) If an insured loan is approved:

(i) Insert as an addendum to Form FmHA 1940–17, "Promissory Note," the following language. For a guaranteed loan, include this language as an element of the FmHA conditional commitment.

"Addendum to Promissory Note"

Addendum to promissory note dated ——— in the amount of $——— at an annual interest rate of ——— percent. This agreement supplements and attaches to the above note. Borrower recognizes that the loan described on the above note will be in default should any loan proceeds be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

Borrower ———

Borrower

(ii) In consultation with the Office of General Counsel (OGC), ensure that an additional covenant will be added to the mortgage/deed of trust/security agreement which reads as indicated below.

"Borrower further agrees that the loan(s) secured by this instrument will be in default should any loan proceeds be used for a purpose that will

"Borrower further agrees that, prior to loss of the exemption from the highly erodible land conservation restrictions found in 7 CFR Part 12, Borrower must demonstrate that Borrower is actively applying an approved conservation plan on that land which has been determined to be highly erodible prior to 1990 or two years after the Soil Conservation Service has completed a soil survey for that land, whichever is later."

For a guaranteed loan, FmHA's conditional commitment will require the lender to place these additional requirements in its loan instruments. Borrowers will be advised in writing that a statement from the SCS issued prior to either 1990 or two years after the SCS has completed a soil survey of the borrower's land and stating that the borrower is actively complying with an approved conservation plan will be considered adequate demonstration of compliance.

(ii) *Loan term exceeds January 1, 1995.* If the term of the proposed loan would exceed this date and the borrower intends to produce an agricultural commodity on highly erodible land that is exempt from the restrictions of this exhibit up until that date (See subparagraph b(4) of paragraph 10 of this exhibit) the County Supervisor will determine if it is financially feasible to place a condition in the loan that requires the borrower to demonstrate prior to January 1, 1985, that any production after that date of an agricultural commodity on highly erodible land will be done in compliance with an approved SCS conservation system. Such a condition will not be used unless, prior to loan approval, the applicant, the lender (if a guaranteed loan is involved), FmHA and SCS resolve any doubts as to what extent production would be able to continue under a conservation system and as to the financial implications on loan repayment ability from both the potential costs of the conservation system and the potential loss of revenues from any reduced acreage production base. If in considering the use of this condition, loan repayment ability cannot be demonstrated, the application will be denied. If loan repayment ability can be demonstrated and an insured loan is approved, the County Supervisor will insert in Form FmHA 1940–17 the addendum set forth in subparagraph c(2)(b)(i) of this paragraph, the additional sentence required by subparagraph c(2)(d)(i) of this paragraph, and, after that sentence, the following indented language:

"Borrower further agrees that Borrower must demonstrate prior to January 1, 1995, that any production after that date of an agricultural commodity on highly erodible land will be done in compliance with an approved Soil Conservation Service conservation system."

For a guaranteed loan, FmHA's conditional commitment will require the lender to place these additional requirements in its loan instruments. Borrowers will be advised in writing that a statement from SCS issued prior to January 1, 1995, and stating that the borrower is complying with an approved conservation plan will be considered adequate demonstration of compliance.

(e) Implement the actions in paragraph d below if the applicant plans to repay a portion of the loan with funds from a USDA financial assistance program subject to wetland or highly erodible land conservation restrictions.

d. *Highly erodible land, wetland, or converted wetland present and applicant intends to use other USDA financial assistance program(s), including crop insurance, to repay FmHA loan.*

The County Supervisor will consult with the applicant (and lender, in the case of a guaranteed loan) and the other USDA agency(s) to determine if the applicant is eligible for the latter's financial assistance. If not eligible, the applicant will have to demonstrate that an alternative source(s) of repayment will be available in order for further processing of the application to proceed. If the applicant is eligible and the term of the requested loan will extend to either one of the periods identified in subparagraphs c(2)(d) (i) or (ii) of this paragraph, the applicant must either: (1) Agree to accept the applicable loan condition, if feasible and not otherwise already required under subparagraph c(2)(d) (i) or (ii) of this paragraph, or (2) demonstrate alternative repayment sources for the term of the loan.

7. *Required FmHA documentation.* The actions taken and determinations made by FmHA to comply with the provisions of this exhibit will be documented as part of the environmental review of the application. All Farmer Program applications subject to this exhibit will undergo at a minimum the completion of Form FmHA 1940–22, "Environmental Checklist for Categorical Exclusions." On the reverse of this form, the preparer will document as applicable (a) whether or not highly erodible land, wetland, or converted wetland is present, (b) if any exemption(s) applies, (c) the status of the applicant's eligibility for an FmHA loan under this exhibit, (d) any steps the applicant must take prior to loan approval to retain or regain its eligibility, and (e) any conditions to be placed in an approved loan. If the application under review meets the definition of a Class I action as defined in § 1940.311 of this subpart, the above documentation will be included as an exhibit to Form FmHA 1940–21, "Environmental Assessment for Class I Action." If the application meets the definition of a Class II action as defined in § 1940.312 of this subpart, the required documentation will be included within the Class II assessment under the discussion of land use impacts. See paragraph IV.4. of Exhibit H of this subpart. Once an applicant's farm property has undergone an environmental review covering the provisions of this exhibit, the County Supervisor reviewing a subsequent loan request need not require the applicant to obtain further site information from SCS as long as there is no change in the farm property to be affected or any applicable exemptions.

8. *Borrowers' Responsibilities.* In addition to complying with any loan conditions required as a result of FmHA's implementation of this exhibit, a borrower must within ten days of receipt inform, in writing, the lender of a guaranteed loan and the County Supervisor for an insured loan of any ineligibility determinations received from other USDA agencies for violations of wetland or highly erodible land conservation restrictions. A borrower also has the responsibility to consult with the lender or County Supervisor, as applicable, if at any time the borrower is uncertain as to the borrower's duties and responsibilities under the loan provisions.

9. *FmHA Monitoring.* As an element of insured loan servicing, to include development of a farm plan of operation for an upcoming crop year, scheduled farm visits, or other contacts with borrowers, FmHA staff will review and analyze the borrower's compliance with the provisions of this exhibit and any related loan conditions. If at anytime FmHA becomes aware of the borrower's violation of these provisions or related loan conditions, the borrower will be informed that the affected loan(s) is in default. In addition to directly monitoring borrowers, the County Supervisor will receive and review the monitoring results of other USDA agencies having restrictions on wetlands and highly erodible land conservation. Whenever these results indicate that a borrower may have violated the loan conditions, the County Supervisor will further analyze the matter and respond, as indicated in this paragraph, should a violation be determined. Lenders of FmHA guaranteed loans must also monitor compliance as part of their servicing responsibilities. Failure to do so will be considered negligent servicing and any loss attributed to such negligent servicing will not be paid by FmHA.

10. *Exemptions and determining their applicabilty.* Following is a list of exemptions from the provisions of this exhibit as well as a description of how FmHA will apply the exemptions to a proposed loan or activity under a loan. This list is intended to provide guidance on implementing the exemptions contained in Subparts A, B, and C of Part 12 of this chapter (Attachment 1 of this exhibit which is available in any FmHA office) and does not modify or limit any of those exemptions.

a. *Exemption from wetland and highly erodible land conservation.* Any loan which was closed prior to December 23, 1985, or any loan for which either Form FmHA 1940–1, "Request for Obligation of Funds," Form FmHA 449–14, "Conditional Commitment for Guarantee," or Form FmHA 1980–15, "Conditional Commitment for Contract of Guarantee (Line of Credit)," was executed prior to December 23, 1985, is exempt from the provisions of this exhibit.

b. *Exemptions from highly erodible land conservation.* The following exemptions exist from the restrictions on highly erodible land conservation. Whenever the County Supervisor is required to consult with another USDA agency in applying these exemptions, the County Supervisor's review of a properly completed SCS Form CPA–26 will be

considered adequate consultation if the needed information is presented on the form and no questions are raised by the FmHA review.

(1) Any land upon which an agricultural commodity was planted before December 23, 1985, is exempt for that particular planting. The County Supervisor will consult with the appropriate local ASCS office in applying this exemption and the ASCS determination is controlling for purposes of this exhibit.

(2) Any land planted with an agricultural commodity during a crop year beginning before December 23, 1985, is exempt for that particular planting. FmHA will consult with the ASCS State Executive Director and the latter's position will be controlling in determining the date that the crop year began.

(3) Any land that during any one of the crop years of 1981 through 1985 was either (a) cultivated to produce an agricultural commodity, or (b) set aside, diverted or otherwise not cropped under a program administered by USDA to reduce production of an agricultural commodity, is exempt until the latter of January 1, 1990, or the date that is two years after the date that the SCS has completed a soil survey of the land. To apply this exemption, the County Supervisor will consult with ASCS to determine from the latter's records whether or not the land was cultivated or set aside during the required period. The ASCS determination will be controlling. However, the date of completion for any SCS soil survey will be determined by SCS and used by the County Supervisor.

(4) Beginning on January 1, 1990, or two years after SCS has completed a soil survey for the land, whichever is later, and extending to January 1, 1995, any land that qualified for the exemption in subparagraph b(3) of this paragraph is further exempt if a person is actively applying to it a conservation plan that is based on the local SCS technical guide and properly approved by the local SCS conservation district or the SCS. To apply this exemption as well as the exemptions specified in subparagraphs b(5), (6) and (7) of this paragraph, the County Supervisor will consult with the appropriate local SCS office and the SCS position will be controlling.

(5) Highly erodible land within a conservation district and under a conservation system that has been approved by a conservation district after the district has determined that the conservation system is in conformity with technical standards set forth in the SCS technical guide for such district is exempt.

(6) Highly erodible land not within a conservation district but under a conservation system determined by SCS to be adequate for the production of a specific agricultural commodity or commodities on any highly erodible land is exempt for the production of that commodity or commodities.

(7) Highly erodible land that is planted in reliance on a SCS determination that such land was not highly erodible is exempt. The exemption is lost, however, for any agricultural commodity planted after SCS determines that such land is highly erodible land.

c. *Exemptions from wetland conservation.* The following exemptions exist from the restrictions on wetland conservation. Whenever the County Supervisor is required to consult with another USDA agency in applying these exemptions, the County Supervisor's review of a properly completed SCS Form CPA–26 will be considered adequate consultation if the needed information is presented on the form and no questions are raised by the FmHA review.

(1) A converted wetland is exempt if the conversion of such wetland was commenced before December 23, 1985. The County Supervisor will consult with ASCS whose determination as to when conversion of a wetland commenced will be final for FmHA purposes.

(2) The following are not considered to be a wetland under the provisions of this exhibit: (a) An artificial lake, pond, or wetland created by excavating or diking non-wetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control; and (b) a wet area created by a water delivery system, irrigation, irrigation system, or application of water for irrigation. The County Supervisor will consult with SCS regarding the application of this exemption as well as the remaining exemptions in this paragraph and the SCS position will be controlling.

(3) A Wetland is exempt if the production of an agricultural commodity is possible (a) as a result of a natural condition, such as drought, and (b) without action by the producer that destroys a natural wetland characteristic. This exemption is lost whenever condition (a) or (b) no longer exists.

(4) Production of an agricultural commodity on a converted wetland is exempt if SCS determines that the effect of such action, individually and in connection with all other similar actions authorized in the area by USDA agencies, on the hydrological and biological aspect of wetland is minimal.

11. *Appeals.* Any applicant that is directly and adversely affected by an administrative decision made by FmHA under this exhibit may appeal that decision under the provisions of Subpart B of Part 1900 of this chapter except as provided by this paragraph. Appeals questioning either (a) the presence of a wetland converted wetland, or highly erodible land on a particular property, or (b) application to a property of the exemptions identified in subparagraphs b and c of paragraph 10 of this exhibit must be filed directly with the USDA agency making the controlling determination and in accordance with its appeals procedures. See §§ 12.10 and 12.23 of Subpart A of Part 12 of this chapter (Attachment 1 of this exhibit which is available in any FmHA office).

12. *Working with other USDA agencies.*

a. *Coordination.* FmHA State Directors will consult with SCS State Conservationists and ASCS State Executive Directors to assess and coordinate loan processing workloads in order is minimize delays in responding to FmHA requests for site information or for the application of the exemptions contained in paragraph 10 of this exhibit. State Directors will ensure that FmHA field staff understand and can use the ASCS farm records system and will request ASCS training as needed. Also, management systems for sharing the information discussed in subparagraph b of the paragraph will be established.

b. *Information exchange.* FmHA State Directors will develop with ASCS State Executive Directors a system for FmHA to routinely receive notification whenever ASCS determines a violation has occurred under its wetland and highly erodible land conservation restrictions. FmHA State Directors will in turn provide to any interested USDA agency the following information.

(1) Upon request, copies of site information or exemption decisions made by SCS for FmHA application reviews;

(2) Upon request, copies of exemption decisions made by FmHA; and

(3) Notice of any violations of the provisions of this exhibit identified by FmHA as a result of the monitoring activities identified in paragraph 9 of this exhibit.

13. *Relationship of the requirements of this exhibit to the wetland protection requirements of Exhibit C of this subpart.* The provisions of this exhibit determine (a) whether or not an applicant for a Farmer Program insured or guaranteed loan is eligible to be considered for such a loan, and (b) whether or not a recipient of such a loan is properly using the loan proceeds with respect to the requirements of this exhibit. On the other hand, the requirements in Exhibit C of this subpart regarding wetland protection cover all FmHA loan and grant programs and address not questions of eligibility but the potential environmental impacts of a proposed action on a wetland and alternatives to the action. Consequently, Farmer Program applications covered by this exhibit and which may be approved under this exhibit must also meet the requirements of Exhibit C of this subpart. For example, an application covered by this exhibit (M) that proposed to convert a wetland into a tree farm would be exempt from this exhibit (M) because trees are not an agricultural commodity, i.e., there is no conversion in order to produce an agricultural commodity. However, before FmHA could make the loan, the requirements of Exhibit C of this subpart would have to be met to include an FmHA finding that no practicable alternative exists to the conversion of the wetland. In summary, any proposed wetland conversion that is not prohibited by this exhibit (M) must next meet the requirements of Exhibit C of this subpart before FmHA approval of the requested financial assistance could be provided.

PART 1941—OPERATING LOANS

8. The authority citation for Part 1941 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Operating Loan Policies, Procedures and Authorizations

9. Section 1941.11 is amended by revising paragraph (a) to read as follows:

§ 1941.11 Applications.

(a) Applications will be received and processed as provided in Subpart A of Part 1910 of this chapter, with consideration given to the requirements in Exhibit M of Subpart G of Part 1940 of this chapter.

* * * * *

10. Section 1941.17 is amended by revising paragraph (a) to read as follows:

§ 1941.17 Loan limitations.

(a) The total outstanding insured OL principal balance may not exceed $200,000 at loan closing. Loans may not be made for the purchase of real estate, making principal payments on real estate, or refinancing any debts incurred for the purchase of real estate. Loans also may not be made for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M to Subpart G of Part 1940 of this chapter. In addition, loans may not be made to pay land lease costs under any program other than cash rent. The total outstanding youth loan principal balance may not exceed $10,000 at loan closing except for youth loan applicants whose loan was approved on or before November 23, 1981.

* * * * *

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

11. The authority citation for Part 1943 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Insured Farm Ownership Loan Policies, Procedures and Authorizations

12. Section 1943.11 is amended by revising paragraph (a) to read as follows:

§ 1943.11 Receiving and processing applications.

(a) Applications will be received and processed as provided in Subpart A of Part 1910 of this chapter, with consideration given to the requirements Exhibit M of Subpart G of Part 1940 of this chapter.

* * * * *

13. Section 1943.17 is amended by adding a new paragraph (e) to read as follows:

§ 1943.17 Loan limitations.

* * * * *

(e) Loans also may not be made for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M of Subpart G of Part 1940 of this chapter.

Subpart B—Insured Soil and Water Loan Policies, Procedures and Authorizations

14. Section 1943.61 is amended by revising paragraph (a) to read as follows:

§ 1943.61 Receiving and processing applications.

(a) Applications will be received and processed as provided in Subpart A of Part 1910 of this chapter, with consideration given to the requirements in Exhibit M of Subpart G of Part 1940 of this chapter.

* * * * *

15. Section 1943.67 is amended by adding a new paragraph (d) to read as follows:

§ 1943.67 Loan limitations.

* * * * *

(d) Loans also may not be made for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M of Subpart G of Part 1940 of this chapter.

PART 1945—EMERGENCY

16. The authority citation for Part 1945 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Emergency Loan Policies, Procedures and Authorizations

17. Section 1945.161 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 1945.161 Receiving and processing applications.

(a) *Applications.* Applications will be received and processed as provided in Subpart A of Part 1910 of this chapter, with consideration given to the requirements in Exhibit M of Subpart G of Part 1940 of this chapter.

* * * * *

18. Section 1945.167 is amended by adding a new paragraph (i) to read as follows:

§ 1945.167 Loan limitations and special provisions.

* * * * *

(i) *Highly erodible land and conversion of wetland.* Loans may not be made for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M of Subpart G of Part 1940 of this chapter.

PART 1980—GENERAL

19. The authority citation for Part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Farmer Program Loans

20. Section 1980.108 is amended by adding a new paragraph (a)(3)(v) to read as follows:

§ 1980.108 General provisions.

(a) * * *

(3) * * *

(v) The requirements found in Exhibit M of Subpart G of Part 1940 of this chapter are met.

* * * * *

21. Section 1980.114 is amended by transferring the Administrative paragraphs to the end of the section and by revising administrative paragraph B to read as follows:

§ 1980.114 FmHA evaluation of applications.

* * * * *

Administrative

* * * * *

B. Determine that the requirements of §§ 1980.40 through 1980.45 of Subpart A of this part and those found in Exhibit M of Subpart G of Part 1940 of this chapter are met.

* * * * *

22. Section 1980.115 is amended by revising Administrative paragraph B.2. to read as follows:

§ 1980.115 County Committee review.

* * * * *

Administrative

* * * * *

B. * * *

2. Set forth in the space provided on Form FmHA 449-14 (A.1. above) or Form FmHA 1980-15 (A.1., above) any special conditions of approval, including requirements for security, improved management practices, relating to highly erodible land and conversion of wetland found in Exhibit M of Subpart G of Part 1940 of this chapter, and type and frequency of financial reports required by FmHA but not required by the lender. An attachment to the form may be

used, if necessary. Return Forms FmHA 449-14 or FmHA 1980-15 to the County Supervisor for execution and proper distribution.

* * * * *

23. Section 1980.175 is amended by redesignating paragraph (d)(3) as (d)(4) and adding a new paragraph (d)(3) to read as follows:

§ 1980.175 Operating loans.

* * * * *

(d) * * *

(3) Loan also may not be made for any purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M to Subpart G of Part 1940 of this chapter.

* * * * *

24. Section 1980.180 is amended by adding a new paragraph (e)(3) to read as follows:

§ 1980.180 Farm ownership loans.

* * * * *

(e) * * *

(3) The loan purpose will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in Exhibit M of Subpart G of Part 1940 of this chapter.

* * * * *

25. Section 1980.185 is amended by adding a new paragraph (e)(3) to read as follows:

§ 1980.185 Soil and water loans.

* * * * *

(e) * * *

(3) The loan purpose will contribute to excessive erosion of highly erodible land or to the conversion of wetland to produce an agricultural commodity, as further explained in Exhibit M of Subpart G of Part 1940 of this chapter.

* * * * *

Signed at Washington, DC, on June 23, 1986.

Peter C. Myers,

Acting Secretary.

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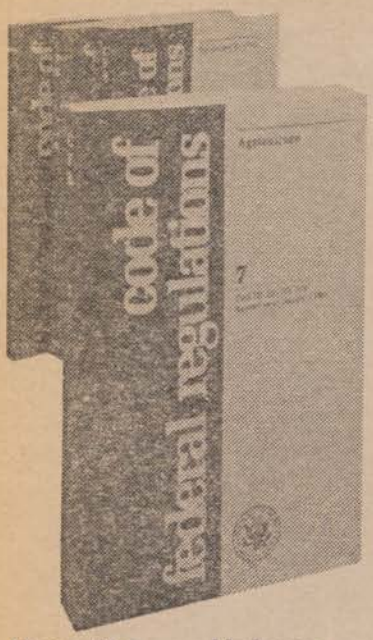

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